



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

House of Commons Debates

VOLUME 146 • NUMBER 243 • 1st SESSION • 41st PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Tuesday, April 30, 2013

—

Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Tuesday, April 30, 2013

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

•(1000)

[*English*]

REPORT OF THE AUDITOR GENERAL OF CANADA

The Speaker: I have the honour to lay upon the table the spring 2013 report of the Auditor General of Canada. Pursuant to Standing Order 108(3)(g), this document is deemed to have been permanently referred to the Standing Committee on Public Accounts.

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COMMITTEES OF THE HOUSE

CANADIAN HERITAGE

Hon. Rob Moore (Fundy Royal, CPC): Mr. Speaker, I have the honour to present, in both official languages, the 10th report of the Standing Committee on Canadian Heritage, entitled “The Canadian Entertainment Software Industry”. Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to the report.

I have the honour to present, in both official languages, the 11th report of the Standing Committee on Canadian Heritage in relation to Bill C-266, an act to establish Pope John Paul II Day. The committee has studied the bill and has decided to report the bill back to the House without amendments.

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, I would like to thank the member for Fundy Royal for submitting the report on the entertainment software industry and for his work as chair of the heritage committee.

I would like to draw attention to the official opposition's supplementary report, particularly recommendation number 3, which deals with the temporary foreign workers program.

Both inside and outside the House of Commons yesterday, the Minister for Citizenship and Immigration tried to use as cover for his utter mismanagement of the program the entertainment software industry, one of the great new economy success stories. Our supplementary recommendation recognizes the challenges this

industry may face, as do many sectors that need highly specialized workers from time to time, but cannot find them.

I want to draw attention to part of our supplementary recommendation, which states:

[The temporary foreign worker program] is failing to ensure that Canadians and permanent residents have the first opportunity for jobs that are created. Therefore, the Official Opposition insists that CIC and HRSDC only permit temporary foreign workers to fill a position when there are no Canadians or permanent residents able to fill them.

* * *

•(1005)

PETITIONS

SEX SELECTION

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, I have two petitions to present this morning.

In the first, petitioners call on the House to condemn discrimination against females occurring through sex-selective pregnancy termination. CBC carried a program that indicated that when ultrasounds done in Canada determine the child to be female, the mother will abort the female. When this was brought out, all parties in the House of Commons condemned that practice.

Petitioners are calling on Parliament to condemn the practice of gender selection pregnancy termination.

RIGHTS OF THE UNBORN

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, the second petition is on the definition of a human being. Petitioners note that Canada's 400-year-old definition of a human being says that a child does not become a human being until the moment of complete birth. This is in spite of the fact that science has shown something quite different. Therefore, the petitioners call on the House of Commons to confirm that every human being is recognized under Canadian law as a human being in section 223 of our Criminal Code.

EMPLOYMENT

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, I have two petitions to present today.

Routine Proceedings

Recently the United Way and McMaster University presented a report that showed that up to half of all workers in Toronto could not access full-time employment. Therefore, they are working at part-time, freelance, self-employed and contract employment. These jobs come with no pensions, no benefits and no job security. In particular, the members in my community in Davenport are concerned about the lack of access to employment insurance for those who are deemed to be in precarious work.

This petition speaks to that issue and the concern my community has around it.

NUCLEAR FUEL PROCESSING LICENCE

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, the second petition relates to the fact that last fall, my community in Davenport awoke to the fact that GE Hitachi has been operating a nuclear fuel processing facility in the riding. Many are very concerned. They would like to see CNSC reopen the licence, and the petition speaks to that.

FALUN GONG

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I rise today to present two petitions.

The first is primarily from residents of Toronto. It calls upon the government to recognize the systematic persecution of followers of Falun Dafa and Falun Gong within the People's Republic of China and to press the People's Republic of China to end these practices.

THE ENVIRONMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, the second petition is from residents within my riding, from Mayne Island, Galiano Island, Saanich, North Saanich and Victoria, calling upon the government to cease and desist from the promotion of a project called the northern gateway being promoted by Enbridge. These residents of my constituency ask the government to adopt a neutral stance.

CHIEF FIREARMS OFFICERS

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, I rise today to present a petition. The petitioners are calling upon the government to replace the chief firearms offices with a civilian agency that is more responsive to the public and that applies federal law equally across the land.

WOMEN'S RIGHTS IN PAKISTAN

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, I have three petitions.

The first petition is from residents of Toronto calling upon Parliament to stand up for women's rights internationally, especially with respect to the Pakistani government, and to take appropriate steps to protect the rights of women and girls in that country.

• (1010)

MOTOR VEHICLE SAFETY

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, the second petition is from constituents who are mostly in my riding but who are also from all across Toronto. It urges the Government of Canada to make side guards mandatory on big trucks all across Canada, especially those operating within the city.

The petitioners point to the fact that the coroner's report of 1998 and the recent Ontario coroner's report have both recommended that Transport Canada introduce a regulation to require that large trucks have side guards to protect the lives of cyclists and pedestrians.

PARKS CANADA

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, the third petition is from petitioners all across Canada asking Parks Canada to return the Rideau Canal and the Trent-Severn Waterway to 2011 service levels. They do not want to see either the hours of operation reduced or the seasons of operation shortened. They state that there are lots of Canadians and visitors who want to enjoy these waterways.

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QUESTIONS ON THE ORDER PAPER

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, the following questions will be answered today: Nos. 1226, 1228, 1232, 1236 and 1244.

[Text]

Question No. 1226—**Mr. Merv Tweed:**

With regard to the Goods and Services Tax, what would it cost the government, on an annual basis, to increase the rebate for school authorities to 100% from 68%?

Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, most services provided by school authorities are exempt from the goods and services tax, the GST. Exempt treatment means that school authorities do not charge GST on the exempt services they supply, but cannot claim input tax credits to recover the GST paid on inputs used to provide their exempt services. School authorities can, however, claim rebates of the otherwise unrecoverable GST paid. This rebate was set at the time of introduction of the GST to maintain a similar tax burden for the school sector as existed under the former federal sales tax. The rebate rate for school authorities is 68%.

The Tax Expenditures and Evaluations 2012 report indicates that school authorities received an estimated \$360 million in GST rebates in 2012. On that basis, increasing the GST rebate for school authorities to 100% from 68% would cost an estimated \$170 million annually.

School authorities have benefited from the decision of the Government of Canada to reduce the GST rate from 7% to 5% without reducing the rebate rate for school authorities. As a result, the effective GST rate on school authorities' taxable purchases dropped from 2.24% to 1.6%.

Question No. 1228—**Mr. Merv Tweed:**

With regard to the Goods and Services Tax, what would it cost the government, on an annual basis, to add to schedule VI of the Income Tax Act, reading materials, both printed and electronic, including in audio and video form?

Routine Proceedings

Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, the goods and services tax, GST, imposed under the Excise Tax Act applies to a very broad base with only a limited number of zero-rated items, such as basic groceries, prescription drugs, certain medical and assistive devices and exports. It is preferable to tax a broad base of goods and services since this allows for a more efficient and simpler tax and provides for a lower tax rate. In this regard, the government delivered on its commitment to reduce the GST rate by two percentage points, from 7% to 5%. Overall, the savings from this measure vary from year to year. It is estimated that it will provide \$13.6 billion in tax savings to Canadians in 2013-14.

Reading materials are generally taxable under the GST. However, to encourage literacy, educational institutions, public libraries and non-profit groups whose primary purpose is the promotion of literacy are eligible for a full rebate of the GST on all printed books. The Tax Expenditures and Evaluations 2012 report estimates that \$20 million was claimed under the GST book rebate in 2012.

Statistics Canada's system of national accounts contains data on spending by Canadians on printed and electronic reading materials, including newspapers, periodicals and books. Based on these data, it can be expected that the cost of zero-rating those goods would be in the order of \$280 million annually in forgone federal GST revenues.

Question No. 1232—**Mr. Ted Opitz:**

With regard to the Income Tax Act, what would it cost the government, on an annual basis, to deem an amount paid on an account of an individual's tax payable equal to the amount that the individual paid during the year as membership dues to a branch of the Royal Canadian Legion or Army, Navy and Air Force Veterans in Canada Association or to a prescribed veterans' organization?

Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, this proposal would create a refundable tax credit equal to the amount that the individual paid during the year as membership dues to a branch of the Royal Canadian Legion, the Army, Navy and Air Force Veterans in Canada Association, or to a prescribed veterans' organization.

This proposal would effectively result in the personal income tax system providing full reimbursement for the costs of annual membership dues to veterans' organizations. This would be unique in the personal income tax system, as all other expenses eligible for tax recognition, such as child care, union and professional dues, medical expenses and tuition fees are provided tax relief through deductions or non-refundable tax credits, none of which provide the level of reimbursement of expenses contemplated under the proposal.

It is difficult to provide an accurate estimate of the cost of the proposal since the tax data do not identify members of veterans' organizations, which can include veteran and non-veteran members. Based on the current membership of the Royal Canadian Legion and the Army, Navy and the Air Force Veterans in Canada Association and the average annual dues collected by these organizations, the estimated cost of the proposal would be about \$15 million per year. However, if all 713,000 veterans in Canada were to fully benefit from claiming \$50 in annual membership dues—i.e., the current maximum amount of annual membership dues collected by a branch of the Royal Canadian Legion—the cost of the proposal could be as much as \$36 million per year.

Additional factors could significantly increase this cost, and these factors are difficult to estimate. The proposal would apply to any individual who pays membership dues to a veterans' organization, and as such, significant costs could be incurred if memberships by non-veterans—e.g., family members—were also provided tax recognition. Membership data for 2012 suggest that the majority of memberships to the Royal Canadian Legion are in the "associate" and "affiliate" categories. As well, if veterans' organizations were to increase their annual membership dues, the cost of the proposal could be higher.

Question No. 1236—**Mr. Randy Hoback:**

With regard to the Goods and Services Tax, what would it cost the government, on an annual basis, to add to schedule VI of the Excise Tax Act, regarding zero-rated supplies, funeral services, including coffin, headstone, or any other property relating to the funeral, burial or cremation of an individual?

Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, the goods and services tax, GST, applies to a very broad base with only a limited number of zero-rated items, such as basic groceries, prescription drugs, certain medical and assistive devices and exports.

Since the establishment of the GST in 1991, funeral services, coffins, headstones, or any other property relating to the funeral, burial or cremation of an individual have generally been taxable. It should be noted that some charity-provided services are exempt.

Statistics Canada's national income and expenditure accounts contain data on spending by Canadians on various funeral products and services, including funeral and pre-burial products, cremation and interment of human remains, grave plots and cemetery maintenance. These data include expenditures on funeral services supplied by charities, which are generally GST-exempt. Based on these data, it could be expected that the cost of zero-rating those funeral products and services could be up to \$90 million annually.

Question No. 1244—**Mr. Wladyslaw Lizon :**

With regard to the protection of the environment and public health, what would it cost the government to upgrade the standards of septic systems of homes not currently connected to municipal sanitation systems to those which are currently connected?

Government Orders

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities, Minister of the Economic Development Agency of Canada for the Regions of Quebec, Minister of Intergovernmental Affairs and President of the Queen's Privy Council for Canada, CPC): Mr. Speaker, the construction and operating standards for residential septic and sewage systems are regulated by provincial and territorial governments. These standards, and any costs associated with upgrades, vary by jurisdiction and by municipality. To that end, Infrastructure Canada does not have any information in respect of the costs of upgrading standards for privately owned residential septic systems.

The Government of Canada has made significant investments in public waste water infrastructure, including approximately \$1.8 billion through the building Canada fund and several economic action plan programs since 2007, as well as over \$625 million under the gas tax fund since 2005. In addition, public waste water infrastructure will continue to be eligible under the new building Canada fund and the renewed gas tax fund as announced in budget 2013.

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[English]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, if Question No. 1219 could be made an order for return, this return would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[Text]

Question No. 1219—**Hon. John McKay:**

With regard to the Corporate Social Responsibility office in the Department of Foreign Affairs and International Trade, since fiscal year 2009-2010, broken down by fiscal year: (a) what was the total office budget; (b) what was the total number of employees; (c) what was the total number of cases and, for each case, (i) who were the complaints filed by, (ii) who were the complaints filed against, (iii) what was the settlement of every dispute; (d) what are the details of all travel and hospitality expenses of all employees of the office; and (e) which individuals or companies outside the government benefited from the hospitality expenses of the office?

(Return tabled)

[English]

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, I ask that the remaining questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[Translation]

STRENGTHENING MILITARY JUSTICE IN THE DEFENCE OF CANADA ACT

Hon. Peter MacKay (Minister of National Defence, CPC) moved that Bill C-15, An Act to amend the National Defence Act and to make consequential amendments to other Acts, be read the third time and passed.

He said: Mr. Speaker, I am very pleased to rise in support of Bill C-15, which aims to amend the National Defence Act to strengthen Canada's military justice and grievance systems.

[English]

This legislation is a comprehensive package of amendments that will enhance the military justice system, clarify the roles and responsibilities of the Canadian Forces Provost Marshal and improve the military police complaints process and military grievance system.

As a former practitioner of the law, Mr. Speaker, you could vouch for the fact that the modernization of law, including the justice system for the Canadian Forces, is an extremely important undertaking and is a long time overdue.

As the House has heard throughout its considerable consideration of the bill, the military justice system is essential to maintaining the discipline, efficiency and morale of the Canadian Armed Forces.

The requirement for a separate, unique system of military justice has long been endorsed by Parliament and the Supreme Court, and is further recognized in the Charter of Rights and Freedoms.

The framework of Canada's military justice system has also been validated in two independent reviews. The first was conducted by Chief Justice Lamer and was tabled in the House in 2003. A second review, by Chief Justice LeSage, was tabled last year following the introduction of the bill.

The amendments proposed in Bill C-15 were developed to address those recommendations that are still outstanding from the Lamer report.

Bill C-15 encapsulates the government's previous legislative efforts to address these recommendations, namely through Bill C-7, Bill C-45 and Bill C-41, so the bill is essentially in its fourth iteration.

The content of the bill has been thoroughly debated and reviewed. It has been before the House, where some 100 speakers from all parties participated in the debate. Most recently, the Standing Committee on National Defence met eight times in February in examining the bill. Three sessions were devoted to clause-by-clause reviewing of the proposed legislation, and the committee heard from 16 expert witnesses from the Department of National Defence, the Canadian Armed Forces and non-governmental organizations.

I want to take this opportunity to thank my House colleagues and the witnesses for their diligence and dedication in the study of the bill.

Government Orders

I would also be remiss if I did not note the leadership of the Parliamentary Secretary to the Minister of National Defence, the member for Ajax—Pickering and members of the committee, as well as Colonel Mike Gibson, who has dedicated tremendous time and effort in bringing the bill forward to this point.

[*Translation*]

The bill before the House today will make several important changes to the National Defence Act and enhance the military justice system and grievance framework. These amendments include setting out a wider and more flexible range of sentencing options, enhancing the treatment of victims by introducing victim impact statements at courts martial, and clarifying the process and timelines for future independent reviews of the military justice system.

I am pleased to say that members from both sides of the House are generally in support of enhancing the military justice system and grievance process. However, during second reading and in committee, it became apparent that misconceptions regarding certain provisions have persisted, specifically, those provisions related to criminal record exemptions and the Vice Chief of the Defence Staff's authority to provide instructions to the Canadian Forces Provost Marshal during investigations.

I would like to take this opportunity to make the government's position clear on these issues and to put to rest any misunderstandings that could further delay the implementation of this important legislation.

• (1015)

[*English*]

Let me begin by quickly addressing concerns related to the criminal records aspect in clause 75 of the bill, because it seemed to be the focal point of many of the comments here in the House and in committee.

While summary trials are necessary to maintain discipline within the Canadian Armed Forces, clause 75 specifically recognizes that most summary trial conviction offences are not sufficiently severe to justify a criminal record for the disciplined military members within the meaning of the Criminal Records Act.

Specifically, this clause ensures that service members would no longer be required to apply for a record suspension, also known as a pardon, for convictions that would not constitute an offence for the purposes of the Criminal Records Act. That is to say, it simply would not show on a person's record upon leaving the Canadian Forces if he or she has been convicted under one of the offences specified in the act.

In response to concerns under the scope of exempted convictions, the committee accepted the government's proposal to amend the bill to expand the list of exemptions. National Defence estimates that this provision would exempt approximately 95% of summary trial convictions from resulting in a record within the meaning of the Criminal Records Act and eliminate any undue hardship to members transitioning to civilian life. Therefore, most would leave the Canadian Forces with an unblemished record if convicted under one of the mentioned offences.

In committee, members also expressed concerns over a provision to give the Vice Chief of the Defence Staff the statutory authority to provide case-specific direction to the Canadian Forces Provost Marshal during investigations. The intent of this provision is to statutorily define the relationship between the Provost Marshal and the chain of command and to enhance the transparency and accountability of military police investigations.

Unlike civilian police forces, Canada's military police may be asked to operate and conduct investigations in operational theatres, as we have seen in places like Afghanistan, where active combat is taking place. Taking this into account, there may be the need in exceptional circumstances for the Vice Chief of the Defence Staff to issue special instructions to the Canadian Forces Provost Marshal. I say this because surely an operational combat zone would qualify as an exceptional circumstance. Special instructions would balance the investigative independence of the Provost Marshal with the safety and security of those involved in the investigation and the operational imperatives of the Canadian Armed Forces.

This bill would establish in statute a mechanism for issuing such instructions, thereby achieving three objectives. Firstly, maximizing accountability by identifying a single authority for such instructions, namely, the Vice Chief of the Defence Staff. Secondly, establishing a statutory requirement for such instructions to be issued in writing, therefore improving transparency. Finally, further increasing transparency by requiring such instructions to be made public, unless the Provost Marshal considers that it would not be in the best interests of the administration of justice to do so.

There are also provisions here where one can envision that information, particularly intelligence that was passed to the Canadian Forces by allies, would be protected in such circumstances.

[*Translation*]

In closing, our troops perform extraordinary tasks each day—often at great risk to themselves—in service of our country. They need—and deserve—to know that they can have confidence in the fairness and strength of the military justice system that governs and protects them.

• (1020)

[*English*]

This legislation before the House today has been years in the making. In fact, if we trace its history, it goes back to a period before this government came to office. The amendments have now had the benefit of a full second reading debate in the House of Commons and committee study. I strongly urge the House to support implementing these important provisions without delay.

It will benefit the men and women in uniform of the Canadian Forces and their families. It will benefit these extraordinary Canadians who do so much on behalf of our country at home and abroad.

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, I thank the minister for his speech. It is not often that I find myself mostly in agreement with him. I guess the issue here is that it is more mostly than fully.

Government Orders

Regrettably, this was an opportunity to amend and clarify the military justice system in this country. Frankly, it does not come up all that often and so when it does come up it really is an opportunity to get things right. I congratulate the minister and the government on getting most things right, but there are two sticking points that he did mention in his speech. On those two sticking points there has been no movement from the government.

The first point has to do with the issue of a soldier's constitutional rights.

These summary conviction trials run the entire gamut from what we would consider to be trivial offences right through to the possibility of imprisonment, in other words, confinement to barracks. In the process of confining to barracks, or taking away the liberty of a citizen, in the case of a person in the military, who is also a citizen, we run into the concern about the issue of section 7 of the charter. Frankly, we in the opposition, particularly the Liberal Party, are not satisfied that this provision had been addressed. There were no provisions available to make sure that the accused had access to counsel, that there was a transcript, an appeal process, et cetera. Therefore, the first question is: why did the minister not take the opportunity to address that issue fully and make that provision in summary trials fully constitutionally compliant?

The second point, of course, is with respect to the ability of the Vice Chief of the Defence Staff to intervene in a police investigation.

It appears that we have learned nothing from Somalia, which was an accident in terms of its exposure to the light of the public. It was an egregious set of facts that never would have come to light unless, by accident, the media was there. However, after having a protocol, from Somalia to now, which basically precluded the chain of command from intervening, we have now, by legislation, created a right for the Vice Chief of the Defence Staff to intervene, and there are no restrictions on that.

Therefore, there are two questions. Why did the minister not take the opportunity to fix both of these issues?

Hon. Peter MacKay: Mr. Speaker, I thank my colleague for his comments. I find myself in agreement with his opening salvo and, quite frankly, I would be worried if he did agree with everything I said.

With respect to the changes found in the bill, there was a government amendment, as he would know, that was aimed specifically at ensuring that there was not unfair treatment of members of the Canadian Armed Forces or civilian members, which would include reservists. The amendment was based on the advice, testimony and input from members of the committee on the concern that he has alluded to, that in some way a member of the Canadian Armed Forces or a civilian would find themselves receiving treatment that would not be consistent with the treatment they would receive in the civilian criminal law system, for lack of a better description. We were mindful of that and I think that we made reasonable efforts to address those concerns.

The member also referenced the harshness or unfairness that could ensue. However, I would reference the Supreme Court decision in *Généreux*. The Supreme Court considered this fact and basically affirmed what we had heard from previous decisions and examina-

tions of the military justice system, which reaffirmed the necessity, constitutionality and importance of a separate, unique military justice system. It went on to say that because of the unique service provided by the Canadian Forces and the need for discipline first and foremost, this separate justice system should in fact be delineated.

My colleague also referenced the Somalia inquiry, which was a dark period of Canadian Forces history, let alone its justice system. However, I would remind him, as the record will show, that it was the Liberal government that shut down that inquiry before it had the opportunity to properly deliberate and come forth with recommendations. Therefore, there is a little bit of hypocrisy behind that question.

However, in this bill there are significant improvements. There were 88 recommendations, the majority of which will now be included in this legislation. Therefore, it is time to move forward with this bill. It is time to give the members of the Canadian Armed Forces this modern system that includes such things as victim impact statements and adopts many of the improvements that we have seen in the criminal justice system in recent years.

● (1025)

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, much debate has been had by New Democrats on the substance of the bill. We had a number of concerns about how this legislation would change the military justice system. We brought up a number of those concerns through amendments at committee stage to try to improve aspects of the bill based on the testimony that we heard from various experts. We worked quite diligently on this and in good faith to improve aspects of the bill that we thought were flawed.

This is more of a process question that I have for the minister. Did the government see other amendments moved by the Liberal Party in the process that was afforded to it? There is suddenly new-found concern with respect to this legislation.

With respect to the way that legislation works in this place, we hear from experts on a piece of legislation and those experts can provide us with differing opinions. In those differing opinions, amendments are brought forward in an attempt to improve or change aspects of the legislation. We brought quite a few forward and we think we altered the bill in some significant ways to improve it.

I wonder if the minister could comment on the new-found concerns that have been raised. Could he also comment on how this place is meant to work and how it can work to improve legislation, especially on such an important topic as military justice? It is essential that the men and women in the services know that there is a good and sound system in place that will serve the aspirations of justice in all its forms.

Government Orders

Hon. Peter MacKay: Mr. Speaker, my friend across the way is correct. There has been a rather rigorous examination of the bill both in the House and in committee. As a House leader, he is intimately familiar with the process of examination wherein members of a committee have the opportunity to come forward with substantive amendments or otherwise. Members have had ample opportunity in this case, given the number of times this legislation has faced examination. The NDP did avail itself of those opportunities while the other party did not. While there is certainly occasion to raise questions now, the time for the substantive work of amendments took place at committee in the case of the New Democratic Party.

I would say again for emphasis that we should not let perfection get in the way of progress here. Let us not let process get in the way of progress here. We have a chance to move forward with a bill that would bring substantive change, I would suggest improvement, to the administration of the military justice system. The bill would bring into the 21st century many of the amendments that have already occurred within the criminal justice system, most notably, being more inclusive of victims, being mindful of changes and precedent that have occurred over time in our criminal justice system to see a better functioning of the way in which we administer justice for members of the Canadian Forces and their families, and the effect that it would have on their lives going forward.

The substantive amendment that is meant to expand the types of offences that simply would not exist in the criminal justice system such as dereliction of duty, insubordination and being absent without permission are the types of offences wherein soldiers can find themselves charged. We are making sure that these types of offences, necessary for discipline within the military, would not follow individuals upon their leaving the Canadian Forces.

I thank members for their input and their ideas and hopefully for their support in moving the bill forward.

• (1030)

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, it is an honour to speak on behalf of my constituents in Surrey North.

I want to start by talking about what the Minister of National Defence pointed out in his speech. He pointed out that this bill is long overdue and should have been addressed before the Conservatives became government. That is due to the slow pace of the government in addressing the criminal justice system and the military. It is the government that has been dragging its feet over a number of years.

Having said that, I know the minister has had a rough run over the last couple of years, whether it was the military procurement or the pay difference in Afghanistan recently. I point out that this bill is a small step in the right direction, and I have to give the minister kudos for the small step in the right direction, but more could have been done with regard to the criminal justice system.

As the minister pointed out, this bill was introduced in the House back in October of 2011 and was an act to amend the National Defence Act and to make consequential amendments to other acts, basically strengthening military justice in the defence of Canada act. Bill C-15 would amend the National Defence Act to strengthen military justice following the 2003 report of the former chief justice of the Supreme Court, the Right Hon. Antonio Lamer, and the May

2009 report of the Standing Committee on Legal and Constitutional Affairs. Again, Justice Lamer made recommendations back in 2003, and it is only now that the government is getting around to addressing our broken military justice system.

Among other things, this bill would provide greater flexibility in the sentencing process. The bill would provide for additional sentencing options, including absolute discharges, intermittent sentences and restitution, and it would modify the composition of court martial panels according to the ranks of accused persons and would modify the limitations, among many other things.

Bill C-15 is a step in the right direction. However, the government should have done more. Bill C-15 suffers from the Conservatives' slow-footed response to the LeSage report, which was not incorporated in the bill, along with the lack of wall-to-wall review of the sections of the National Defence Act pertaining to military justice.

Bill C-15 falls far short of key issues when it comes to reforming the summary trial system and the grievance system and strengthening the Military Police Complaints Commission. We are letting our soldiers down with this unnecessary slow pace of change. The NDP will continue to lay the groundwork for a larger review of the need for the modernization and civilization of the military legal system and the implementation of greater civilian oversight.

I am proud of my colleagues on the defence committee, who forced the government to make some amendments to the bill. As members may recall, I spoke on second reading of this bill about some of the shortcomings of the bill that New Democrats would like to strengthen. One thing was with regard to military personnel having criminal records. We were not comfortable with that particular clause in the bill. My NDP colleagues on the defence committee forced the Conservatives to accept an amendment, which would force changes so that over 90% of disciplinary offences would not result in criminal records. We will support Bill C-15 at this point. The NDP is proud to vote for the significant, tangible result that we have been vocally and legislatively in support of for the members of our Canadian military forces.

• (1035)

Our efforts have established one more important reform in building fairer military justice. It is important that the amendments that were offered by the New Democrats were accepted by the Conservatives. It is a small step, one aspect of the bill, not the entire bill. We would like to see more changes to the military justice system, so we can have a robust justice system in the military. This would be a small step in the right direction. One of the key elements was regarding the criminal records for military personnel, so 90% of those military personnel would not have a criminal record after going through this. That was an important first step.

Government Orders

Members of the Canadian Forces are held to an extremely high standard of discipline, and they in turn deserve a judicial system that is held to a comparable standard. The New Democrats will support Bill C-15's proposed improvements because it is a step in the right direction. However, the government should have done more. The Conservatives voted against several prudent NDP amendments at committee that asked to fully incorporate Justice Lamer's 2003 recommendations and some of Justice LeSage's 2011 amendments. They even voted against a clarification to the letter of the law in clause 35, as proposed by Justice LeSage. This has resulted in a failure to strengthen the proper safeguards for independence in the grievance system, military police or judicial elements of the military justice system.

The New Democrats are calling on the Conservatives to approach the military justice system in a holistic way. What the Conservatives have been doing is taking a piecemeal approach, a little bit at a time. The National Defence Act is a relic. We need to look at it in detail to reform it wall to wall and bring our criminal justice system in the military to the 21st century. The Conservatives had a chance to do this for the last six or seven years. However, they have not done it. They have taken a very piecemeal approach to the military justice system, and we are doing an injustice to the men and women who serve this country proudly. We can do much better. We can support our men and women by ensuring they receive justice when they need it.

Going back to Justice Lamer's recommendations, in 2003, the Right Hon. Antonio Lamer, former Chief Justice of the Supreme Court, presented his report on the independent review of the National Defence Act. The Lamer report contained 88 recommendations pertaining to military justice, the Military Police Complaints Commission, the grievance process and the Provost Marshal. Bill C-15 would be the legislative response to these recommendations.

Former chief justice of the Superior Court the Hon. Patrick LeSage provided an additional review of certain sections of the National Defence Act, which was handed to the government in December 2011. The Minister of National Defence tabled the report in June 2012.

The Conservatives took over a year to table that report. They had it sitting on the minister's desk and he did not act at all. They have had a number of years to bring forward legislation so we can reform the military justice system, yet, as I have mentioned before, the Conservatives are foot-dragging on the issue of reforming our justice system. Even though we are supporting this particular bill, one of our major concerns is that, while it would be one little step in the right direction, there are numerous recommendations from the LeSage report and the Right Hon. Antonio Lamer recommendations that are not part of Bill C-15.

● (1040)

That is what the government needs to work on. It needs to take on a wall-to-wall review of the National Defence Act. The Conservatives have voted against amendments attempting to incorporate several of LeSage's recommendations.

Bill C-15 has appeared in earlier forms. Just going back through the history of it, first Bill C-7 and Bill C-45 died on the order paper due to the prorogation in 2007 and an election in 2008. In July 2008,

Bill C-60 came into force, simplifying the structure of the courts martial and establishing a method for choosing the type of court martial more closely aligned with the civilian system.

In 2009, the Senate Standing Committee on Legal and Constitutional Affairs considered Bill C-60 and provided nine recommendations for amendments to the National Defence Act. In 2010, Bill C-41 was introduced to respond to the 2000 Lamer report and the LeSage report. It outlined provisions related to military justice, such as sentencing reform, military justice committees, summary trials, court martial panels, the Provost Marshal and limited provisions related to grievance and the military complaints process.

In essence, Bill C-15 is similar to the version of Bill C-41 that came out of committee in the previous Parliament. The amendments carried over included those on court martial and military judges and security of tenure, appointment and age. There are other important amendments to Bill C-41 proposed at the amendment stage and incorporated at the end of the last parliamentary session. However, those amendments that were introduced to the previous bill were not taken into consideration in Bill C-15.

That is unfortunate, because we had a bill that went through the process. We heard from witnesses in the committee. Experts, judges and many people associated with the military justice system testified. We had reached a compromise. We reached across different parties. The Conservatives, Liberals and NDP worked together to bring about amendments that would serve our military justice system in a way that is fair. In committees, input is heard from key witnesses and amendments are reached. When that process takes place, all sides can be heard from. The committee recommended a number of amendments that would have helped make the system better.

However, as we have seen in the past from the Conservatives, they have failed to incorporate those very amendments that were agreed upon in the last session of Parliament. That is very unfortunate. The amendments that came out of the last session were a consensus from all three parties.

However, the Conservatives are not listening, and they do not want to incorporate those very amendments that would have formed more consensus towards how we could take a larger leap forward in forming our military justice system. They have backtracked a little from that. This is a smaller step in the right direction.

There was one amendment, a compromise that the NDP fought for in Bill C-41, clause 75. At the prompting from the NDP and in recognition of amendments absent, the Conservatives introduced this amendment into clause 75 of Bill C-15.

While this compromise that the NDP fought hard for in Bill C-41 and Bill C-15 is an improvement on the current legislation, it does not go far enough to improve the summary trial process for our Canadian Forces. It does not guarantee that a person who is convicted of an offence during a summary trial is not unfairly subject to a criminal record.

Government Orders

Furthermore, the Conservatives voted against prudent NDP amendments that would have ensured that the proper legislative mechanisms were in place to apply clause 75 retroactively.

● (1045)

We brought forward a number of other improvements at committee. I believe that is what committees are for. That is where we improve bills to make the laws we make in this place better to serve Canadians in a better way, yet the Conservatives voted down every single one of those amendments.

This is a small step in the right direction. I think we could have taken a bigger step. In fact, I believe we need a wall-to-wall review of the National Defence Act to bring the act into the 21st century, yet the Conservatives did not want to take even a slightly bigger step.

Here are some of the amendments we proposed at committee. One of the amendments voted down by the Conservatives would have given the Chief of the Defence Staff the financial authority to compensate CAF members in the grievance process. It amended clause 6 in Bill C-41, responding directly to Justice Lamer's recommendations. An amendment to clause 11 in Bill C-41 would have changed the composition of the grievance committee such that it would include 60% civilian membership and would exclude active-duty Canadian Forces members, thus enhancing the independence of the board.

These are common sense amendments that would improve the military justice system. These amendments in the previous Parliament were approved by the committee, yet the Conservatives failed to bring them into Bill C-15.

Again, this is a small step in the right direction. They could have done more. They could have taken some of the testimony we heard at this committee for Bill C-15 and also at the committee in the previous Parliament. That committee had agreed to these amendments, yet the Conservatives took those amendments out. That is puzzling. One year they agreed to them, and the next year, in a new parliamentary session, they are going back on their word. That is failing the very people who serve this country.

Another amendment we introduced was a provision to ensure that a person convicted of an offence during a summary trial would not be unfairly subjected to a criminal record. It amended clause 75 in Bill C-41.

These were very common sense amendments. I could go on about some of the changes we proposed and some of the things we would like to see in our approach to reforming the military justice system. The least this House could do is provide the Canadian Armed Forces with a modern National Defence Act so that they can carry on their jobs.

I want to go back to what I started with. The Minister of National Defence has had bad news over the last two years. He has bungled the F-35 procurement. It is a mess. It is a fiasco. I could use a number of other adjectives to describe it. We have seen a number of other scandals in the ministry of defence. We have seen recently a differential in pay in Afghanistan.

The Minister of National Defence could use a little bit of good news, and I would say that this is very little good news, which is

going to reform the military justice system. We are calling for a wall-to-wall review of the National Defence Act so that we can reform the criminal justice system in the military and provide the support, encouragement and resources to our military personnel who serve us proudly.

I have a free voice to speak up in the House, to speak on behalf of my constituents from Surrey North, because of the very sacrifices the men and women in the military have made. The least the House could do is provide them with a modern National Defence Act so that they can carry on their jobs.

● (1050)

Mr. Chris Alexander (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, it would certainly help matters if in the debate on military justice the member opposite was not, again, misinforming Canadians about the status of an important procurement project, the replacement of the CF-18s, which is going ahead under a seven-point plan. The options analysis will come forward for everyone's consideration in due course.

However, we are talking here about military justice. I beg to differ with the member opposite, who claims that the system may be unconstitutional and that the National Defence Act is a relic. This reflects upon the lack of respect the New Democratic Party has for our military system. Our National Defence Act is one of the best such framework documents of any military in the world, and international experts recognize it as such. About two-thirds of it relates to the military justice system.

Does the member know what former Chief Justice Lamer said about that system? He said:

Canada has developed a very sound and fair military justice framework in which Canadians can have trust and confidence.

On the question of summary trials, former Chief Justice Brian Dickson said:

The requirement for military efficiency and discipline entails the need for summary procedures. This suggests that investigation of offences and their disposition should be done quickly and at the unit level.

The constitutionality of this system, the requirement for it to maintain morale and operational efficiency, is recognized by the Charter of Rights and Freedoms. We did not hear these doubts about the constitutionality of the military justice system from the NDP in committee. We certainly did not hear it at second reading. Why are we hearing it now?

Second, if I can add one more question on the amendments the NDP proposed, with regard to compensation being authorized by the Chief of the Defence Staff, that would have involved amendments to other pieces of legislation. We are dealing here with the National Defence Act.

Limiting the grievance board to having civilians in 60% of the positions is not something we, as a government, want to do, because it would exclude former military members. We want former military members to have access to jobs across the country, to apply their talents and to not to be excluded.

Why this late concern about the constitutionality of a system that has been recognized as absolutely legal, and indeed admired, around the world?

Government Orders

Second, why is the member, with this speech and with the continuation of debate, delaying the enactment of those important measures that we know would improve the military justice system for our men and women in uniform?

Mr. Jasbir Sandhu: Mr. Speaker, the only one misleading this House and Canadians is that side of the House, the Conservative government.

I would point to the ongoing F-35 fiasco. When it started out, the cost of the planes was supposed to be \$11 billion. Then it moved up to \$13 billion. Then it moved up to \$17 billion. Then the PBO, Kevin Page, came out with his report, which said that it would actually be \$29 billion. Now we hear that it is even higher than that. That is the credibility of the government.

With respect to military justice and the National Defence Act, if we as Canadians are going to press, we always need to improve the systems we have in place. We have been encouraging the government to have a wall-to-wall review of the National Defence Act so that we can improve upon what we have already.

I will quote the retired judge of the Federal Court of Appeal and the Court Martial Appeal Court of Canada. He stated at committee:

While I acknowledge some of the improvements the bill contains and proposals that have been made for changes to the bill, I have to deplore the lack of a wall-to-wall review of the National Defence Act, which, in my considered opinion, leads to a short-sighted, if not distorted, view of Canadian penal military justice system.

This would be a small step in the right direction. Expert after expert—military personnel, retired judges—are calling for the government, along with the NDP, to look at a wall-to-wall review of the National Defence Act so that we can improve the National Defence Act and provide military justice tools and investments for our military.

● (1055)

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, I listened carefully to my colleague's speech, and I have to commend the NDP members. They worked hard at committee, both in the testimony part and in the amendments part. However, there seems to be a case of severe revisionism going on here.

The NDP submitted 22 amendments. How many succeeded? None. Many of the amendments were actually quite good. They were quite thoughtful and useful. They would have improved the bill and would have helped the issues the hon. member is concerned with.

The NDP, at the end of the bill process, filibustered for, I believe, something in the order of four hours. If members are filibustering a bill at the end, after amendments have been submitted and have gotten nowhere, it shows a certain unhappiness with the bill as it is going forward to the House. As my hon. colleague points out, the bill strips out of the previous parliamentary bill some of the provisions that were quite good, which his party and my party, and probably even the Conservatives at the time, agreed upon.

They had zero out of 22 on their amendments. They filibustered. Previously agreed upon good provisions were stripped out, yet the NDP is going to support the bill at this point. It does not seem to me to be a logical or consistent position.

I would be interested in knowing why, under those circumstances, the NDP chooses to support what is, in the member's words, flawed legislation.

Mr. Jasbir Sandhu: Mr. Speaker, it always puzzles me. The NDP has never been in government, yet the Liberals like to blame it for some of the changes they could have made themselves. They had an opportunity for many years to act on the report that was tabled in 2003, yet they ignored the report. The Conservatives took six or seven years. The Liberals could have dealt with it a long time ago, yet the member is asking me what we have achieved.

The NDP members on the committee forced the government to act on one of the key aspects of the amendments we proposed. Whether it was our amendment or whether the government acted on our amendment and introduced it, at least we have a bill that is a little better. It is a step in the right direction. This is a small step. We still need to see a robust, wall-to-wall review of the National Defence Act.

● (1100)

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, if there is anything inconsistent, it is actually the Liberals taking any interest in the bill in light of their complete disinterest in amending the military justice system while they had a majority government here in Ottawa. Therefore, it is perfectly consistent to embrace the bit of progress that has been made in the bill.

There are meaningful changes here for the men and women of the Canadian military. I also think it is consistent with that to lament the missed opportunity we have before us to go further and truly demonstrate some respect for the men and women in our military.

We had some experts on these matters make some very serious statements in front of the committee about how far the bill falls short, in their view. We heard about the unconstitutionality. Peter Tinsley, former chair of the Military Police Complaints Commission, said, in February this year, before the committee, that the bill would be inconsistent with the principles of police independence as recognized by the Supreme Court of Canada as late as 1999. I wonder if my friend would like to comment on that.

Mr. Jasbir Sandhu: Mr. Speaker, I will be very brief. I want to thank my hon. colleague, the member for Beaches—East York, for his question and for doing a wonderful job holding the government to account for the fiasco, the debacle, the boondoggle of the military procurement that we have seen over the last number of years under the Conservative government.

I will sum it up very nicely here. This is a small step in the right direction. We need to do more for the men and women in our military, and the way we do that is a wall-to-wall review of the National Defence Act so that we can bring in some of the changes that are needed to reform and bring the military justice system up to date.

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, I am grateful for the opportunity to participate in this debate about Bill C-15. As other speakers have said before me, it is an improvement and there is no question about that.

Government Orders

It is probably less of a bill than the previous parliament had proposed and it appears that my colleagues in the NDP are prepared to go for less rather than more, which is quite regrettable. However, I do commend the work of my NDP colleagues on the committee. They made every procedural effort to amend the bill and improve it, all of which I supported. Regrettably, they failed at each and every turn, so it surprises me at this point that my colleagues in the NDP are prepared to accept what is arguably a much lesser bill than the previous parliament had proposed.

I will comment on three areas. They are areas that have been somewhat canvassed before, but are in effect the poison pills of the bill and make it much less than what it could have been. We could have, at this stage, come together and said we have reformed the military justice system and it would probably have been good to go for the rest of this decade, although this is a continuous review process.

When we study military justice, there are distinctions between what we would consider to be civilian justice and military justice. Let me say at the outset that I do understand and I do support the concept that the military is a unique culture and does need a justice system that is unique and designed for it. However, as one witness, Clayton Ruby, pointed out, "It has been said that when you enlist in the military, you waive your constitutional rights. This is nonsense."

When a person puts on the uniform, as many thousands of our fellow citizens do, they do not waive their constitutional rights. We cannot have a blanket exemption from the Constitution for the military. That is one point where we get into trouble with the way in which this bill has been proposed.

There are roughly 2,500 service offences committed by members of the military over the course of a year. In our language, they would be known as summary conviction offences. The offences can range from trivial right through to pretty serious offences. For some of the serious offences, confinement to barracks or even to jail is the punishment. Of the 2,500, about 30 actually result in confinement to either barracks or an actual jail system on an annual basis.

Because of that, we cannot be trivial about the process. We are in effect offending one of the core provisions of our Constitution, section 7. We are taking away the liberty of a citizen. This is a citizen who is in a uniform, but he or she is still first and foremost a citizen. Therefore, this citizen is entitled to the basics of a trial.

There is a saying in the military that I cannot actually repeat without expanding the English language beyond the proper decorum of this place, but it says "march the guilty in". That is kind of an understood language that the military uses with respect to these summary trials. These summary trials have a conviction rate in excess of 98%. They really put the "summary" in summary trials. However, in most instances, that is actually not a problem.

There does need to be a disciplinary process for the military.

● (1105)

However, in the instance where there is a potential sentence of confinement to barracks or even to a jail, that is a problem. Why? Because the individual does not have the right to access to counsel, there is no transcript and the "accused" is made to stand through the

entire trial. We had an opportunity to address this, but the Conservative government did not do that.

For instance, a British soldier is guaranteed access to counsel and the right to appeal. A civilian judge sits with a military judgment and no detention can be imposed when the accused is not represented by counsel.

These are not trivial matters. When we members of the opposition pressed the government on this, the Conservatives said the bill is constitutionally compliant, that it is charter-proof. We beg to differ. One of Canada's foremost criminal trial lawyers who has gone all the way to the Supreme Court on quite a number of occasions took serious exception to this. He said, "This charter justification matter is not a small issue", so when the liberty of a citizen is at issue—even a citizen who is a soldier—the charter procedures need to be followed; not only do they need to be followed in law, but they need to be followed in spirit as well.

When people put on the uniform and defend us and allow us to in effect carry on a debate in a chamber such as this, it is no small issue. If I as a civilian get more constitutional protections at the Ottawa summary conviction court than a soldier accused of exactly the same offence, then it is not balanced and not right. We in the Liberal Party think we could have done a better job, but we did not. That is unfortunate, and I dare say will open up this legislation to charter challenge at some point in the near future.

It is not good enough for the government to waltz into committee or waltz into this chamber and say the bill is charter-proof. We heard the Minister of Justice and the Minister of Public Safety talk about that a few weeks ago. Anybody who believes that the Conservative government is serious about the charter is, in my judgment, excessively naive. It is an inconvenience. It would have given us some comfort at committee had independent people outside of the military, outside of the government, told us that these provisions are actually charter-compliant. It is not good enough to have government lawyers say it is charter-compliant. That is like investigating oneself. That is point one.

The second point has to do with the ability of the Vice Chief of the Defence Staff to intervene in a police investigation. We have heard a lot of debate about this. The origin of this debate came out of Somalia, as the minister rightly said, a dark chapter in the history of the military, and I dare say a dark chapter that never would have seen the light except for the fact that the press was present at the time of the incident. The natural reaction of the chain of command is to minimize incidents such as this, and that was in full bloom. I do not think anybody covered themselves with a great deal of glory over this incident. A protocol was developed post-Somalia between the police service and the chain of command, and that protocol was no interference. There would be no interference from the chain of command in any police investigation. That, frankly, served us fairly well between Somalia and now.

● (1110)

However, now the government wishes to reassert itself by inserting the chain of command into a potential police investigation.

Government Orders

I have listened to several of the arguments with respect to the chain of command introducing itself. As we all know, “may” is a small word that has big implications. For those of us who have practised law for a number of years know that the word “may” can be expanded. Certainly when a dark incident occurs in military operations, the pressure on the chain of command to contain the incident will be powerful and, in some respects, the temptation to intervene with a police investigation is almost overwhelming. It has happened, and will happen. There is no doubt about that.

I will quote from Mr. Tinsley, the former ombudsman, who stated:

My very brief summary submission is that if Bill C-15 is passed into law in its present form, inclusive of the new subsection... authorizing the VCDS to interfere with police operations and investigations, it will be inconsistent with the principles of police independence as recognized by the Supreme Court of Canada [as] late as 1999 as underpinning the rule of law, as well as run counter to the norms of police-government relations, certainly in Canada, and I can tell you internationally in developed countries, which recognize the importance of police independence and prohibit police service boards or similar executive bodies from giving directions regarding specific police operations.

Mr. Tinsley's testimony was reinforced by the current ombudsman, a former chief of police from Windsor, who said that in his experience as a civilian police officer he would have been horrified, shocked and probably hung up the phone on any police service board, and that is any mayor, who phoned him up to tell him what to investigate and what not to investigate.

If one wants to derail a civilian investigation, a good way to do it is to have political interference. Therefore, in some respects the government has retained the ability to insert itself legitimately and legislatively into a police investigation.

On this point, I would conclude with Mr. Tinsley's final observations. He stated:

It would also effectively contradict, even repudiate, the notion of improper interference by the chain of command as established in the oversight jurisdiction of the Military Police Complaints Commission and thereby effectively eliminate oversight by statutory authorization of such interference by the VCDS, a person not subject to the jurisdiction of the complaints commission.

He ends his comments by asking, why?

My final point has to do with the grievance process. Over many months, we in the House have raised the issue of grievances that soldiers, sailors, airmen and airwomen have with their employer, which is the military and therefore us. When an employer employs 100,000 people, it is quite logical that some of them will not be happy with their terms and conditions of employment, which can potentially result in a grievance process. The grievance process is well defined and is a good process. By and large, it resolves many of the grievance issues that they would have with their employer.

• (1115)

However, there are instances, and, unfortunately too many instances, where the grievance process works its way up through the process to the desk of the Chief of the Defence Staff. The Chief of the Defence Staff largely, and almost without exception, agrees with the findings of the people who are delegated to do this work, makes an authorization for compensation, and says, “This particular soldier is legitimately upset and should be entitled to x number of dollars”, whether it is a differential in pay, or the cost of a move or whatever. Out of that, the Chief of the Defence Staff makes the

“order”, but cannot write a cheque out of the military budget or any other budget. All of these complaints, particularly the real estate complaints, land on the desk of the Treasury Board Secretariat and thus far none has been authorized.

It ends up as a unique anomaly in which the Chief of the Defence Staff has said that a soldier has a legitimate grievance and thinks it is worth \$15,000, \$20,000 or \$25,000. It does not matter what the number is. He then sends a note to Treasury Board and Treasury Board, without exception, turns it down.

Pierre Daigle, the current ombudsman, wrote the following:

Moreover, when claims are rejected—which is often the case—Canadian Forces members are informed that they must initiate legal action against the Government of Canada—

In other words, he or she must sue the employer. He goes on to say:

—in order to obtain compensation. However, unbeknownst to most men and women in uniform, legal action will rarely be heard by a court because previous courts have ruled that there is no legally enforceable employment contract between the Crown and Canadian Forces members.

I imagine this goes back to the unique position of anyone in the military, which is unlimited liability. When people sign up, they sign up entirely, and, in effect, waive their right to sue their employer. It is not a good way to treat people. We tell them they have to put themselves in harm's way and they cannot sue if their pay or compensation for moving is not what they think it should be, even if the military agrees with them. It is not right. One would have thought that on an infrequent review of military justice, we would have taken this opportunity to do what the ombudsman said, which is to, in effect, give the CDS the authority to write a cheque.

Pierre Daigle further stated:

—I would reiterate what I said when I testified before this committee in 2011. The Canadian Forces redress of grievance process will remain flawed and unfair as long as the final decisionmaker in the Canadian Forces grievance process, the chief of the defence staff, lacks the authority to provide financial compensation to resolve unfairnesses.

That regrettably is the end of it. We had an opportunity to do the right thing by our men and women in uniform and, in the judgment of the Liberal Party, we failed. My colleagues have moved good amendments, but they failed. It is a stripped-down version of the previous bill. We now have at least these three instances such as the potential of a charter challenge, an interference in police process and men and women who cannot get satisfaction from their employer.

Government Orders

• (1120)

Mr. Chris Alexander (Parliamentary Secretary to the Minister of National Defence, CPC): First, Mr. Speaker, to clarify a point of principle, because it was not made by the member opposite at several points during his speech, when Canadians join the Canadian Forces, they do not waive their rights; they join to defend our rights, and they absolutely enjoy the same rights of other Canadians under the civilian justice system and under the military justice system. That has been confirmed by eminent Canadian jurists time and time again.

Second, on a point of fact, in the summary trials system the accused does have access to defence counsel services from anywhere in the world—from any location, any foxhole, however obscure, in any part of the world, 24 hours a day, 7 days a week. That is one of the benefits of the summary trial system.

When did the Liberal Party lose its faith in the summary trial system? It existed throughout many decades of Liberal governments and which existed while the Liberals were in government for 20 years, since the enactment of the Charter of Rights and Freedoms and its entrenchment, and whose constitutionality was recognized even by Chief Justice LeSage in his most recent report on the military justice system? He said:

—regarding the constitutionality of the summary trial process, I am satisfied, as was former Chief Justice Dickson, that “the summary trial process is likely to survive a court challenge as to its constitutional validity”.

Why is the member opposite taking a position he did not take during previous consideration of the bill? I do not think it was taken in previous Parliaments by the Liberal Party.

He is suddenly elevating the rather eccentric views of a single defence counsel from Toronto, who, by his own admission, has almost no experience of the military justice system, as gospel about the constitutionality of a military justice system that has survived challenges. That constitutionality has been upheld by some of the best legal minds we have had. Why is the Liberal Party suddenly in an entirely different and quite eccentric place on this issue?

• (1125)

Hon. John McKay: I have been described as a lot of things, Mr. Speaker, but an eccentric is not generally one of them.

First, with respect to the issue of unlimited liability, the hon. member is a touch confused. When individuals sign on as members of the military, it is an issue of unlimited liability. If they are killed, they cannot sue the government. If they are injured, they cannot sue the government. The quid pro quo, the expectation is that the government will take care of them, either by way of pension, or compensation or lump sum, but they cannot sue.

That, unfortunately, seems to be extended into the realm of complaints about pay, complaints about the cost of moves and things of that nature. In some respects, the unlimited liability has been stretched from just simply the injury and death point of view right through to other considerations as well.

I think that was the point the ombudsman made. Frankly, if it is the parliamentary secretary's interpretation of law versus the ombudsman's, I know who I prefer.

With respect to the secondary point as to the concern about its constitutionality, we have a number of eminent constitutional experts in our country. Why did the government not bring them before the committee to say they had looked at the constitutionality of this or that, and deal with it?

As to the right to counsel, that is the point. There is no guarantee of counsel. That is a problem, and it exposes the bill, which we all know will ultimately become law, to constitutional challenges, and that is what Mr. Ruby confirmed.

[*Translation*]

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I listened carefully to the Liberal member's speech and I am a bit confused. The Liberals were supporting Bill C-15 at second reading. It now seems they have changed their minds. In his last response, the Liberal member also mentioned that the constitutionality of the bill had to be tested and all the rest.

I wonder why they did not move any amendments at committee. I am a bit confused. First, what is their current position? Second, why did they not propose any amendments? They seemed to agree with the amendments proposed by the NDP and they supported them, but, for their part, they made no proposals to improve the bill. Now, all of a sudden, they are putting forward a whole host of ideas at third reading.

Could the hon. member shed some light on those questions?

[*English*]

Hon. John McKay: Mr. Speaker, it is true that we did, at second reading, support moving the bill from this House to committee, because it is a vote in principle. Surely to goodness we all agree that this bill has been hanging around long enough in various forms in various Parliaments, so we thought we should get it into committee and start hearing witnesses.

When we started to hear the witnesses, we saw that maybe there were some problems with this bill. In fact, there are some problems with the bill. I have only gone through three that I think are highlights.

My colleague makes a big deal about our not moving redundant amendments. Her party moved 22 of them, and its record was zero in 22. I do not know why those members would move redundant amendments that would inevitably be defeated. It does not seem to make a lot of sense.

Then, at some point or another, they were so unhappy with the way they had been treated by the government side that they filibustered the committee for four hours.

I welcome them to the tactic. God love them, but it is useless and it is a waste of time.

I do not think this is a case of getting religion late in life. There has actually been a lot of consistency in the Liberal Party to say that we should examine this bill, that we know these are the flaws, that it is going forward and we know it is going forward, but we want to put our marker down such that in the event that we get an opportunity to fix this bill, we will do it.

Government Orders

• (1130)

Mr. Mark Strahl (Chilliwack—Fraser Canyon, CPC): Mr. Speaker, I listened carefully to the member's speech, and he once again invoked the spectre of Somalia to justify his opposition to this bill. He blamed the chain of command and others for trying to bury that episode, when in fact it was his own government that prematurely shut down the Somalia inquiry and then, as a follow-up, disbanded the Canadian Airborne Regiment. That was a shameful overreaction that irreparably damaged an elite capability of the Canadian Forces. He did not mention that.

He also failed to mention the comments of the Canadian Forces Provost Marshal when questioned by my hon. colleague from Edmonton Centre when this matter was before committee in the last Parliament. The Provost Marshal said:

I think if I were just to take the legislation as written, without the safeguards that are present, I would have a lot more concern, but due to the transparency clauses that exist—the interference complaint process under part IV of the NDA—those types of safeguards certainly make it more robust. It allows me to make sure that there is an avenue of approach, should there be a conflict.

My question for the hon. member is this: why will he not take the word of the Canadian Forces Provost Marshal, who says that this legislation would have the appropriate safeguards to ensure there would be no undue interference in his investigations?

Hon. John McKay: Mr. Speaker, to go back to the Somalia issue, I do not think anybody covered themselves with any glory out of that, not the military, and there is an argument to be made that it was not well handled. That was the point.

As for the Airborne Regiment, there was a lot of commentary about whether this was in fact a rogue unit. I do not know whether it was or it was not; all I know is that there was a lot of comment about it.

My point is that the government has now legislatively inserted itself into the process so that it can dictate where the police will go and where they will not go. That is, in and of itself, quite regrettable, and in and of itself makes it worth opposing the bill.

On the member's final point with respect to the comments of the Provost Marshal, I am sure that the Provost Marshal would appreciate knowing the terms and conditions on which any VCDS, CDS, deputy minister or minister would intervene in his or her investigation. I dare say that the Provost Marshal would much prefer the status quo, which is the protocol that there is no interference, which is the same protection that every police chief enjoys in this country.

[*Translation*]

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I would first like to say that I will be sharing my time with the hon. member for Chicoutimi—Le Fjord.

I am honoured to rise in the House on behalf of my constituents in LaSalle—Émard to talk about Bill C-15, An Act to amend the National Defence Act and to make consequential amendments to other Acts, at third reading.

I would first like to talk about my riding of LaSalle—Émard. This past weekend, I had the opportunity to participate in an activity organized by the ladies auxiliary of the LaSalle Royal Canadian

Legion. These volunteers hosted this activity at the legion for the veterans they visit at Ste. Anne's Hospital.

These women are volunteers. Some of them have been volunteering for over 40 years, while others have been volunteering for 25 or 15 years. They provide a very valuable service to the veterans who served Canada during the world wars and other conflicts in which Canada participated.

I always find it very worthwhile to attend events such as this. It gives me the opportunity to meet with these men and women and better understand what they did for us and what their lives were like when they were members of the Canadian Armed Forces.

In Canada, we are lucky to live in a country that is peaceful, safe and prosperous compared to other places in the world.

I will speak about veterans, but also about current members of the armed forces who do more than we know to serve our country, both here and abroad.

I would also like to say that, in my family, one of my great uncles served in the Second World War. One of my uncles was in the army, and I have a cousin who is currently a member of the armed forces. I do not often have the chance to talk to them about their experiences.

However, I know that members of the Canadian Forces are very disciplined, rigorous and dedicated. When they make a commitment, they follow through on it.

This bill, which amends the National Defence Act, meets a long-standing need. We have had discussions about this and we have talked about the report issued in 2003 by the former chief justice of the Supreme Court, the Right Hon. Antonio Lamer. Other reports have been released since then, including the recent LeSage report, which was published in 2011.

Various bills have been introduced in response to the recommendations made in these reports, but they died on the order paper either because an election was called or for other reasons.

Bill C-15 went to committee. As was mentioned, the NDP worked very hard to correct certain shortcomings in this bill.

• (1135)

As my colleague mentioned, it is a small step in the right direction. We must take into account this bill's long history and the recommendations that have been made over the years. This bill addresses a need. The government has taken a step forward by acknowledging the NDP's proposed amendments. Nearly 95% of breaches of the Code of Service Discipline will no longer result in a criminal record. That is one of the reasons why we support Bill C-15.

Government Orders

Earlier in my speech I mentioned that the NDP recognizes the importance of the hard work and dedication of the men and women of the Canadian Armed Forces. We want the justice system to treat them fairly, and at the same time we acknowledge that the Canadian Armed Forces are very disciplined and rigorous. We want military justice to be fairer, and that is very important to us. That is why the committee members and the NDP worked very hard to make their case on this bill. As a result of their work, breaches of the Code of Service Discipline will no longer result in a criminal record. We worked very hard on this, and the government was open to working with us.

We think it is very important to have an exhaustive independent study of the military justice system and to introduce legislation in response to the LeSage report within a year. Bill C-15 does not really take the LeSage report recommendations into account. I think a study on this should be conducted.

As for the reform of the summary trial system, I think we can expand the list of military offences that do not result in a criminal record. We saw some openness from the government to that. We must also reform the grievance system.

I will conclude with a very important point, which is that we must strengthen the Military Police Complaints Commission. Around the world, countries like Australia, New Zealand, Ireland and the United Kingdom are reforming their military justice system and increasingly making room for a civilian component.

• (1140)

We must look at these possibilities. Many of our allies thought it was good to change their summary trial system, which makes us wonder why Canada has waited to so long to modernize our own military justice system.

I think that involving civil society would be beneficial, not only for members of our military, but also for society in general. It would ensure that our system is in line with Canadian values.

[English]

Hon. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, I listened with interest to my colleague, as a person who was involved in the military justice system for over 30 years, on the receiving end for very minor things and on the dispensing end for some things that were minor and some that were somewhat more major.

We are talking about the equitableness of the system. In my experience within the system, it was equitable within the context of the military, which is different, and we acknowledge it is different. I do not think it will ever be precisely like the civilian system, for some very good reasons.

My colleague talked about reform and bringing more civilianization to the system. That is being done. One of the things that is being done with Bill C-15 is another advancement on that. The bill has been through three Parliaments in various forms and three bills in various forms.

The previous speaker talked about taking the advice of Ruby over the advice of the parliamentary secretary. I would certainly take the advice of Justices LeSage and Dickson over that of Mr. Ruby. He has

agendas that I am sure are pure at heart, but some others may attribute something else to it.

We have had more than 100 speeches this time on this subject. As I said, it has been through three Parliaments and three bills. It is not perfect. It will never be perfect in the eyes of the opposition members, and that is fair ball. The member talks about wanting to do an end-to-end review and come back in another year. If they want to pursue that, it is fine, but is it not time to quit this continuous 100-speech marathon and just get on with it because it is improvement and we can work on it as we go forward?

• (1145)

[Translation]

Ms. Hélène LeBlanc: Mr. Speaker, my colleague knows that the NDP intends to support the bill at third reading.

However, given how important this bill is, the government may not wait another 10 or 20 years before it reviews it. That is why I made that recommendation. As we know, the LeSage report came out in 2011. I think we could consider some of the relevant recommendations and have a legislative review in due course. That is my recommendation.

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, I thank my colleague for her speech.

I would like her to clarify something. Of course, we are preparing to support the bill because the government has sort of opened the door to an improvement. As things stand now, any improvements that can make a difference on the ground for our men and women in uniform deserve to be supported, even though we know that this is not very much and a great deal more needs to be done.

However, I have a question about the approach. I just heard a Conservative member say that it was time to put an end to all these debates and move forward. How is it that the government is opening a door, while systematically rejecting all amendments at committee, even the amendments that support the government's openness? That has actually been the case in pretty much every committee, with each and every bill.

Could the hon. member explain this partisan approach, which is light years away from the service that Canadians and our military should be receiving?

Ms. Hélène LeBlanc: Mr. Speaker, I thank my colleague for raising this key point.

Committees do indeed play a role in Parliament and they are a place for us to hear from civilian, military and other experts. Those experts provide us with a whole new perspective on issues. The official opposition and the opposition are there to bring their perspective on bills.

It is really unfortunate that the government systematically refuses to consider those perspectives, and to thereby make progress. We must move forward, and our common goal here is to bring good bills to Canadians, bills that reflect their values. It is the government's responsibility to listen to Canadians and Canadians' representatives, which is what we all are regardless of our political stripe or party.

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Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Mr. Speaker, I would first like to congratulate my hon. colleague from LaSalle—Émard on her excellent speech and her handling of the members' questions. She explained quite nicely how important it is to the NDP to bring forward strong legislation, especially since the Conservative government tends to propose such flawed legislation, as they did with Bill C-15.

Canadians can rest assured that the NDP will be here every step along the way to improve these bills and to ensure that we can live in a country with laws that properly reflect the values of Canadians. I would therefore like to reiterate what my hon. colleague already mentioned—that the NDP will be supporting this bill at third reading.

On March 21, 2013, I spoke on this issue and expressed my concerns in that regard. As the member for Chicoutimi—Le Fjord, I represent many members of the Royal Canadian Air Force, since the Bagotville military base, which I love, is located in my riding. I care deeply about the well-being of these military personnel, so I was outraged that such simple and minor breaches of the Code of Service Discipline could lead to a criminal record, which would in turn have truly negative repercussions on their lives, both through their years of active service and afterwards.

In committee, the NDP fought to defend those military personnel, 95% of whom would have paid the price for that imperfection in Bill C-15. After the NDP proposed amendments, the government finally came to its senses and changes were made to Bill C-15. That is why it will be voting in favour of the bill.

On October 7, 2011, the Minister of National Defence introduced Bill C-15, An Act to amend the National Defence Act and to make consequential amendments to other Acts. Bill C-15 would amend the National Defence Act to strengthen military justice following the 2003 report of the former chief justice of the Supreme Court, the Right Hon. Antonio Lamer, and the May 2009 report of the Standing Senate Committee on Legal and Constitutional Affairs.

The bill would provide for greater flexibility during the sentencing process and it would provide for additional sentencing options, including absolute discharges, intermittent sentences and restitution. It would modify the composition of a court martial panel according to the rank of the accused person. It would also modify the limitation period applicable to summary trials and allows an accused person to waive the limitation periods. It sets out the Canadian Forces Provost Marshal's duties and functions and would make amendments to the delegation of the Chief of the Defence Staff's powers as the final authority in the grievance process.

Generally speaking, Bill C-15 is a step in the right direction. However, the government should have done more. Bill C-15 also gives new powers to the Vice Chief of the Defence Staff regarding military police investigations, which we consider to be a step backward.

Bill C-15 suffers from the Conservatives' slow-footed response to the LeSage report, which was not incorporated in the bill, along with the lack of wall-to-wall review of the sections of the National Defence Act pertaining to military justice. We are letting our soldiers down with this unnecessarily slow pace of change. I encourage the

Conservative government to adjust its attitude about amending laws that affect the military.

We want to reassure Canadians that the NDP will continue to lay the groundwork for a larger review of the need for the modernization and civilianization of the military legal system and the implementation of greater civilian oversight. We will make sure that that happens whether we form the official opposition or the government. I feel it is in the interest of all Canadians and particularly Canadian military personnel.

As I mentioned earlier, as a result of the NDP victory after a long and hard-fought battle for the amendment to clause 75 on criminal records—an issue on which our party has strongly and publicly expressed its view—my party is now ready to support the improvements to the military justice system set out in the bill, despite the fact that the bill has no teeth and the reform is not being implemented quickly enough.

● (1150)

Once in power, we are determined to continue to move forward with the reforms and to reverse the regressive measure providing new powers to the Vice Chief of the Defence Staff with respect to military police investigations.

Clearly, Canadians will understand that we have to wait until 2015 to do so. However, we are still going to hound the Conservative government for the next two years.

As I said, the NDP victory forced the government to make some amendments so that almost 95% of disciplinary offences would no longer result in criminal records. We will support Bill C-15. The NDP is proud to vote for a significant, tangible result for the members of the Canadian Forces, a result that we fought hard for and successfully managed to have included in the legislation.

Our efforts have established one more important reform in building a fairer military justice system.

People may not be aware that, when the bill was studied in committee, the NDP did what a real party must do: it proposed amendments in order to improve the bill and eliminate its flaws. In committee, the NDP proposed 22 amendments and five subamendments, while the Liberals proposed none. That shows that the NDP is the party that cares about improving Conservative bills, especially those that affect our Canadian Forces.

Members of the Canadian Armed Forces must uphold standards of discipline that are among the most rigorous. In return, they deserve a justice system with comparable standards. The NDP will support the improvements proposed by Bill C-15, because it is a step in the right direction. However, the government should have done more, as has already been mentioned.

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The NDP also regrets that the Conservative government is determined to adopt a piecemeal approach. Changing the military justice system requires an independent review of the entire National Defence Act, which governs the military justice system. The NDP is also asking the government to provide a legislative response to the LeSage report within one year because it has yet to do so. Members of our Canadian Armed Forces deserve no less.

I will now speak in more detail about Bill C-15. This bill is similar to Bill C-41, which came out of a committee in the previous Parliament. However, important amendments made at committee stage in the last Parliament are missing from Bill C-15.

One of the main omissions is the lack of any provision to expand the list of offences that do not result in a criminal record. The NDP, in the House and in committee, asked for changes and proposed amendments in order to reduce the impact of disciplinary sentences and ensure they do not give rise to a criminal record, and also to raise the issue of the lack of a full charter of rights. In committee, the NDP fought to improve the bill and to reform the military justice system in a more meaningful way.

As I already mentioned, through our efforts, the list of offences that will not result in a criminal record was expanded. We also presented a series of amendments to improve the bill, thereby showing our commitment to truly reforming the system. I will talk about five of those amendments.

We asked that the Chief of the Defence Staff be granted the financial authority to compensate members of the Canadian Armed Forces as part of a grievance resolution process, in direct response to Justice Lamer's recommendation. We also proposed changes to the composition of the grievance resolution committee to include 60% civilian membership and not to include active members of the Canadian Forces, which would make the committee more independent. We also proposed a provision that would guarantee that a person convicted of an offence during a summary trial is not unfairly subjected to a criminal record. We also wanted to guarantee the independence of the police by abolishing subsections 18.5(3) to 18.5(5), in clause 4 of the bill to prevent the Chief of the Defence Staff from issuing specific instructions on an investigation to the Canadian Forces Provost Marshal. Finally, I believe that it is important to make the House aware of the final recommendation we made, which involved precisions regarding the letter of the law, as recommended by Justice LeSage, to indicate that a charge must be laid within a year after the offence was committed.

Mr. Speaker, since my time is quickly running out, I am going to stop there. Canadians can take comfort in the fact that the NDP is there to ensure that the Conservatives' bills are improved in committee and in the House of Commons. We will continue to fight for the men and women who protect our country.

• (1155)

[*English*]

Mr. Mark Strahl (Chilliwack—Fraser Canyon, CPC): Mr. Speaker, I would like to thank the member for Chicoutimi—Le Fjord for his speech and for the NDP's belated but welcome support for the bill here as well as at committee. I am a member of the national defence committee, and we were certainly grateful to get the NDP's

support for our amendments on criminal records for summary trial offences. That was a positive.

I would say that the member's speech was so comprehensive and set out the NDP position so well that I would hope that NDP members would now let the speech of the member for Chicoutimi—Le Fjord stand so that we may move on to a vote on this issue. As the member for Edmonton Centre mentioned, there have been 100 speeches on this issue, and we know that they do have an interest in this. Perhaps I could ask the member how much more he believes needs to be put on the table after his excellent and comprehensive speech.

Perhaps the member could also talk about the Liberal Party's new-found interest in this file and the fact that while the Liberals could not be bothered to stay until the end of the committee proceedings on this bill, they have now decided to ramp up their efforts. Maybe he could talk a bit about that, and about why they did not address the issue during their 13 years in government. Maybe they just needed a little more time.

If the member could address both of those issues, that would be great.

• (1200)

[*Translation*]

Mr. Dany Morin: Mr. Speaker, I would like to thank my Conservative colleague for his kind and truly heartwarming compliments.

As I mentioned, I represent members of the Canadian Armed Forces at the Bagotville military base, so I care about the men and women working there for Canadians across the country.

The member asked several questions. I will begin by answering the one about the Liberals' interest in military justice reform. The Liberal Party of Canada's contribution to the debate was perfectly clear in committee: its members did not propose a single amendment. Their level of involvement in the committee showed that they do not really care about this issue, no matter what they are willing to say when the national media spotlight is on them.

We will finally get to vote on this issue, and I am pleased to speak as the representative of the Bagotville military base because this issue is important to me.

I believe that every member of the House of Commons has the right to express his or her point of view on this issue. I can assure the member that although some NDP members still wish to speak, my party and I will vote in favour of this bill.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is somewhat comforting to a certain degree, and no surprise, that we see the New Democrats and Conservatives almost giving a group hug. It is almost as if they are trying to get in touch with their past and are finding it great to be able to take shots at the Liberal Party.

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However, it is interesting that NDP members are saying they brought in amendment after amendment to this legislation. They feel a little sensitive to the fact that the Liberal Party approached the committee with an open mind, believing that the government would bring in some changes, although it chose not to. Maybe the question to the member should be to ask exactly how many of the NDP's numerous amendments actually passed at the committee stage.

I am being a little presumptuous here, as I was not at that particular committee. However, I have had the opportunity to speak on this bill and express concerns regarding it, and I suspect the answer to that question will be zero. Given the NDP's new-found friendship with the Conservative—

The Acting Speaker (Mr. Barry Devolin): Order. I would ask all hon. members to be mindful of the Chair's cues that their time is nearing its end.

The hon. member for Chicoutimi—Le Fjord.

[*Translation*]

Mr. Dany Morin: Mr. Speaker, I will make my answer brief.

The NDP supports this measure. My Liberal colleague seems to think that we are good buddies with the Conservatives. We do respect each other as colleagues. The NDP is a very reasonable party.

When the Conservative government introduces bad bills, we propose amendments or we vote against the bill if amendments are not necessary. We would do the same thing if a Liberal government were in power. A New Democratic government would work with members of the opposition; that sets us apart from the other parties. We would do so in the interest of all Canadians.

My Liberal colleague said that he had hoped the government would propose amendments in good faith. I would like to remind him that, as a committee member, his role is to propose amendments, argue in their favour, and get them passed. The NDP proposed 22 amendments and five subamendments. The Conservatives proposed two and the Liberals did not propose any. This shows just how—

• (1205)

The Acting Speaker (Mr. Barry Devolin): Order.

The hon. member for Beaches—East York has the floor.

[*English*]

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, my friend did not know I was coming. I am sure he would have withheld those comments had he known.

I will be splitting my time with the member for Windsor West.

It is great to talk about Bill C-15 today. My colleagues and I support the bill at third reading.

Members may recall that I spoke in opposition to the bill at second reading. I applaud the great efforts of my colleagues on the defence committee, as have others in the House today, who put forward 22 amendments and five subamendments and made a great effort to change the bill. As has been pointed out today, none of this was successful, but the bill was amended at committee: the Conservatives saw fit to amend their own mistakes, which is always helpful.

That is not to say that we support this legislation wholeheartedly; it is somewhat reluctantly that we do so.

I want to comment on this issue for a moment, because it has been the subject of much debate.

It is a bit tricky, of course, to support a government bill at third reading. We heard the Minister of National Defence waxing philosophical earlier today about not letting perfection get in the way of progress; on the other hand, we heard the Liberal defence critic express his confusion and uncertainty about how and why the NDP could support this legislation. The challenge is more difficult than either of those extremes would suggest.

This is not so much a philosophical matter; it is really a very practical one. Justice systems, as informed as they are by theory and philosophy, have very real, profound and practical implications for those who are subjected to them, and this is obviously the case before us. For reasons that we all seem to agree with, this is about balancing the need for quick and expeditious military justice against the need to keep discipline in the forces, while yet providing fairness for forces members.

Today we are considering a unique military justice system and its need for discipline, but we also need to take into consideration the issue of time. That has to weigh heavily on our considerations about whether to support the bill or not.

For all the talk about their support for the military, the Liberals did nothing with their majority government to amend the act, in spite of having before them the report of a justice who made 88 recommendations. The Conservatives have been in government now for seven long years and have similarly opted to do nothing up to this point.

It is because this legislation has such a long history that we need to consider what we can agree to and what we must agree to in order to make progress and move this legislation forward.

I will not recite the full history. I have no time for that today, but I will give a short summary to illustrate the point.

The bill had its genesis in a 2003 report on the Canadian military justice system by a former chief justice of the Supreme Court, the Right Hon. Antonio Lamer. That report contained 88 recommendations for change and was suggestive of some significant deficiencies in Canada's military justice system.

The bill is also a legislative response to a 2009 report by the Senate Standing Committee on Legal and Constitutional Affairs dealing with these very same matters.

In December 2011 yet another military justice report was presented to the government, this time by a former chief justice of the Ontario Superior Court, the Hon. Patrick LeSage. I would note that the Conservative government sat on that report for a year or so before finally tabling it in June 2012.

• (1210)

To date, only 28 of the recommendations from that original Lamer report of 2003 have actually been implemented, some in the form of legislation, some as regulations, and some as changes in practice.

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We have even lost some ground, it needs to be noted. In the previous Parliament, Bill C-41 died on the order paper. That bill included important updates to the National Defence Act that are interestingly absent from the bill we are considering today. The change got moved back upfield, and that is disappointing.

However, I think the length of time that the current government and the previous Liberal government have taken to bring some sense of fairness to the members of our armed forces with respect to the justice system means that we need to consider very seriously what we need to do now, because we do not know when we will get our next opportunity to make change. It is important that we make tangible change to this system so that it is a military justice system worthy of this country and worthy of the commitment that members of the Canadian Armed Forces make to this country.

As frustrating as all of that is, we focus on the progress that is being made. We see some progress, although I would shy away from calling it significant. It comes in the form of greater flexibility, for example, for the sentencing process to more closely parallel the civil criminal justice system. It would provide for additional sentencing options, including absolute discharges, et cetera; it would modify the composition of a court martial panel; it would modify the limitation period applicable to summary trials and would allow an accused person to waive limitation periods; and it would clarify the responsibilities of the Canadian Forces Provost Marshal.

It would also make amendments to the delegation of the powers of the Chief of the Defence Staff as the final authority in the grievance process.

Above all, as tangible as these changes are, one stands out as critically important and most certainly worthy of support. It is an issue that we in the NDP have pushed for many years, including in the previous Parliament, and we actually had made some progress with it in Bill C-41. It is this issue more than any other that tips the balance in favour of supporting this bill, and it has to do with the number of offences that could result in a criminal record.

The NDP, through the long history of the bill, has consistently pushed for a reduction in the number of these offences. With this amendment from Bill C-15 emerging out of committee, it would be the case that about 95% of cases would not attract a criminal record. In addition, those who have been previously convicted of these offences would have their records expunged.

This is an important issue because many of the offences that we have been focusing on do not generally have a civilian equivalent. They are, for example, offences described in section 85 of the act that involve threatening or insulting language or contemptuous behaviour toward a superior officer. Section 86 involves failing to stop someone from deserting, and section 97 deals with drunkenness.

We have long considered it unjust, as have many other experts who have weighed in on this matter, that convictions for those kinds of offences through this kind of summary trial process could result in criminal records that could follow members of the Canadian Armed Forces into their civilian lives.

It is important to note that the summary trial is used to try about 95% of disciplinary cases in the forces. It is this process that is used to effect a balance between the competing interests of discipline and

returning a soldier to service. As such, fairness and justice are compromised.

For example, a commanding officer or a designated superior officer could act as the judge, and there would be no legal counsel, no appeal, not even a transcript of the file. We consider it unfair for criminal records to flow from that and follow a soldier into civilian life, so we are pleased to see that amendment and we will be supporting the bill.

• (1215)

[*Translation*]

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I would like to thank my colleague for his speech. He reminded us of how important this bill is and how much time has gone into it. He also reminded us of how important it is to be able to debate this bill in the House, even though we feel that the Conservatives would like to cut these debates and questions short.

However, this is all part of the democratic parliamentary process that Canadians have built over several centuries. We must not let this process fall apart, any more than we must let the parliamentary committee process fall apart, as I mentioned earlier. In committee, we brought forward 12 amendments and five subamendments that are part of the parliamentary process and that seek to improve the bill.

Could my colleague elaborate on the importance of the democratic institutions at our disposal?

[*English*]

Mr. Matthew Kellway: Mr. Speaker, we have to take the opportunity in the House and in committee to fully express our views on these matters. We stand in the House and listen almost daily to the government profess its support for military personnel. The protestations of support for military personnel need to be put in context and examined fully. This bill is supposed to reflect respect for the military personnel of Canada, yet we have a bill that falls far short of what is required to fully respect the rights of our military personnel and to provide them with a system of justice that is fair and deserving of what all Canadians have.

New Democrats will take this opportunity to support this bill but also to demonstrate to Canadian people what is missing in terms of respect for Canadian military personnel.

Hon. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, I listened with interest to my colleague's speech. He talked about having done nothing and that only 29 of Chief Justice Lamer's measures were fully implemented. The government accepted 83 of the 88 recommendations, and outside of the ones we accepted, the rest are in progress. In fact, 36 more will be fully implemented by Bill C-15.

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Therefore, I would not call that doing nothing exactly. It may be slower than people would like, and I grant that things do not move as fast as anybody would like, including me. I will point out that one of the reasons for the slowness of this in some people's minds is the fact that the process in Parliament can be very convoluted. As was said previously, this bill has gone through three iterations and three parliaments. In fact, Bill C-41 died the last time due to the opposition calling an unnecessary election. It is a bit rich to blame the government for delays when we have legislation that could have passed, but the opposition brought down the government for an unnecessary election. Canadians have spoken on that.

As far as cutting this short goes, I do not think 100 speeches is exactly cutting this short.

Mr. Matthew Kellway: Mr. Speaker, it is a shame the member claims that democracy got in the way of their plans, but they have had seven years to date. I did not have the chance, as time did not afford me the opportunity, to talk about the reservations. The member may be correct about 83 of 88 recommendations, but the shortcomings that stand out in this bill are very serious shortcomings. One of them is that this bill essentially gives the Vice Chief of the Defence Staff the authority to direct military police investigations.

The former chair of the Military Police Complaints Commission said the following at committee:

My very brief summary submission is that if Bill C-15 is passed into law in its present form, inclusive of the new subsection 18.5(3) authorizing the VCDS to interfere with police operations and investigations, it will be inconsistent with the principles of police independence as recognized by the Supreme Court of Canada a [s] late as 1999 as underpinning the rule of law...

That is a very serious shortcoming in this bill and it is a shame that the government wants to rush it through without taking the opportunity to make that kind—

• (1220)

The Acting Speaker (Mr. Barry Devolin): Before I resume debate, I just want to remind all hon. members that when members give 10-minute speeches, it is followed by five minutes for questions and comments. We typically try to get two exchanges during those five minutes.

That means that after about one minute, the Chair is giving you a signal to wrap up quickly so that there is equal time for a response and then a similar amount of time for the second question or comment, followed by a response from the speaker.

I urge all hon. members to pay attention to the Chair. We try to give you a signal when you are approaching the last ten seconds of your time. While we are reluctant to cut people off mid-sentence, that is something that we may need to do, particularly for those who often seem to need that abrupt guidance at the end of their comments.

I am not picking on anyone in particular here. It is just a general reminder to all that this way, we can ensure that two questions get asked of roughly similar length and that the person responding has approximately the same amount of time to respond to the issue that was raised.

With that, resuming debate, the hon. member for Windsor West.

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I appreciate that advice and will stick to that when I get to my questions and comments period. I appreciate the opportunity to rise and talk about this important issue.

Bill C-15, an act to amend the National Defence Act and to make consequential amendments to other acts is very underwhelming. It has been around since 2003 in several different forms. It has re-emerged with some improvements, but it has been kicked around this place for some time.

We are seeing it come to a conclusion. The mere fact that it does not have one of these targeted names that the government often gives bills is indicative of its mediocrity. It is named "an act to amend the National Defence Act and to make consequential amendments to other acts". My experience in this place in the last number of years is that the government has introduced bills with very tempting names to try to promote them. In this situation, we do not have that. I think that is an indicator of where we are right now.

As New Democrats, we will support this bill. We will move it forward. The member for Beaches—East York has done a good job on this file, the best he can. The committee has as well, making amendments to the bill.

It is important, because it is about judicial systems and about judgment to our military families. I come from an area where military families are a tradition and an honour. The Windsor and Essex County area has been, since the birth of this nation, participating in the military on a regular basis. The first time was in 1749, a French militia, and subsequently in the War of 1812, the South African War, the First World War, the Second World War, Korea, peacekeepers, Afghanistan. We have been a regular recruitment zone for military service.

We have some of the strongest veterans' organizations out there. It is important. I have seen what happens to some of our officers and some of our regiment, and those who are supporting them, and their families when they have come home. I have had a chance to sit in on some sessions at the Legion, involving everyone from Afghan vets to World War II vets still talking about how difficult it is to get to the next day. It is very difficult, but at the same time they are very proud of those traditions.

I have a little personal experience with this as well. My grandfather, John Clifford Addison, was an ordinary code man who went down on the HMS *Scorpion* in the fall of Burma. I did not know my grandfather. I never met him. I do not know much about him. I have his medals. I have his soccer medals, as well.

I was very fortunate. Like so many others, my grandmother, Irene Attwood, was in England at the time. She married Fred Attwood. When he came to Canada, he treated me as his own grandson. I was at the house all the time, listening to my grandfather telling his stories, talking about experiences and his mates at the kitchen table. I can still smell the flavourful scones my grandmother would cook and the tea, with big band music in the background, as we sat and discussed what took place.

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The reservation I have for this bill is that if justice is not served properly to those in the military, then we are going to have consequences outside when they finish their service. I have seen that. What worries me about this bill is that we have not done enough with regard to the amendments that needed to take place in order for this bill to be improved, whether it be giving the Chief of the Defence Staff the financial authority or whether it be making sure that the processing is done properly so that they can actually have justice at the end of the day.

There have been a number of witnesses who have come forward suggesting that this is not complete. We had a number of amendments made at committee that were not done. That concerns me, because this bill has been around this place for so long.

• (1225)

I am going to go through some of the changes we wanted to take place and that perhaps can get done at another date. I do not know if the current government is interested in doing that. It is a risk we have to take. The bill is going forward anyway, with some modest improvements, but I hope there is some sincere attempt to go further on the recommendations that came through a lot of work, thought, discussion and debate. As I noted, this bill has been kicked around this place for a number of years, and it is time to finally get something done, but it is disappointing that we have not had some of the other elements we wanted.

One of those was to conduct an independent wall-to-wall review of the military justice system and provide a legislative response to the LeSage report within a year. Neither the report in 2003 by the former chief justice of the Supreme Court, the Right Hon. Antonio Lamer, nor the report from the former chief justice of the Superior Court, the Hon. Patrick LeSage, provided a complete independent review of the entire military justice system. We think it is time to do that. We think it is time to move that point forward, and I think there is enough support to do that.

Another thing we wanted to have is reform of the summary trial system. The Hon. Patrick LeSage said:

Suffice it to say I have very real concerns about obtaining a criminal record from a summary trial conviction. The issue of criminal records flowing from convictions at summary trial must be reviewed. The very damage that flows from a criminal record and the potential effect on a person's life is far too severe a consequence for most offences tried by summary trial.

This is where I get into my background of working with youth at risk and other persons who have disabilities, where stigmas are evolved or are created on a person and there are consequential effects. For example, if individuals have that on their record, it affects them in going for a job, in education, in their neighbourhood, with applications for credit or for any type of assistance, if it has to be disclosed. Those individuals are living with this cloud over top of them.

I see it on a regular basis, even in my home riding, where I have a good example with regard to a stigma staying left over. I have a Ford truck driver who smoked marijuana, got caught and has a federal conviction, so every time he goes into the United States, he is rightly pulled over because he has a record, but sometimes he is made to sit there for four or five hours. We have to intervene and say the authorities should pull him over and go through the vehicle and do

all the inspections and enforcement they want to do, but the just-in-time delivery that the person is doing right there is important for both of our economies. He has to live with that type of stigma and that type of potential every single time he crosses the border. It is his own fault and he has to pay for it, but the reality is that there is a consequence.

Therefore, as an employment specialist on behalf of persons with disabilities and youth at risk, what I worry about is that even some of the minor convictions can make a difference in terms of a person being able to get a job or employment. It is critical that this issue is addressed in here, because if our military personnel have that, even if it is not something that is openly known in the community, they are still living with that bubble above them.

I have one last point. We want to expand on the service offences exempt from criminal records as well and, last, to reform the grievance system so that there are more appropriate opportunities for someone to grieve a situation.

With that, I appreciate the opportunity to speak in this chamber to this issue, and I welcome comments and questions and will be prompt in terms of my response.

• (1230)

Mr. Mark Strahl (Chilliwack—Fraser Canyon, CPC): Mr. Speaker, I appreciate the hon. members for Windsor West and Beaches—East York for their half-hearted support of the bill, but support nonetheless. We will take it, at this point.

One of the things the member referenced in his speech was the summary trials. Supreme Court of Canada former chief justice Brian Dickson, who examined the summary trial system, stated:

The requirement for military efficiency and discipline entails the need for summary procedures. This suggests that investigation of offences and their disposition should be done quickly and at the unit level.

Former chief justice Lamer also said:

Canada has developed a very sound and fair military justice framework in which Canadians can have trust and confidence.

There certainly have been in-depth examinations of the summary trial process and it has been found to be fair, and found to be constitutional as well.

The member mentioned the undue hardship on a member with post-service consequences of summary trials. However, the reason the members are supporting the bill at third reading is that 95% of convictions at summary trial stage would no longer appear on a criminal record. Would the member not agree that this would be a step in the right direction, and that is the reason they are supporting the bill?

Mr. Brian Masse: Mr. Speaker, the member is absolutely right that it is one of the improvements in the bill and a significant step forward. However, there are just so many other issues that it leaves me with a certain amount of duress with regard to what we could be doing.

As this bill has been around the House and chamber for so long yet is only moving forward modestly, it gives me a great deal of duress to think about how long it will take to get the job done.

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Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, I too will not criticize the NDP members for their half-hearted support for this bill. The half of the heart is quite justified.

The hon. member has articulated a concern with respect to convictions that translate into records that follow people for the rest of their life. He would know that the pardon system has been replaced by some other system, although we are not quite sure what. To access the pardon system, people virtually need to engage a lawyer who needs to fight his or her way through the bureaucracy, the result of which is that offences that might be relatively minor, in civilian terms, end up following those soldiers for the rest of their lives and affect their ability to cross the border, gain employment and so forth. Those are serious consequences.

Notwithstanding the half-hearted support, I would be interested in the hon. member's concerns, if he could put those on the record.

Mr. Brian Masse: Mr. Speaker, I thank the member for the great question as well as being a good defenceman this year when we played hockey. I wanted to acknowledge that.

What is very important is the trail that follows the individual afterward.

Also, that is an interesting and important point about having to engage the legal system. We often see people who are exiting the military transition to some other type of occupation. Having to do that with a lawyer in tow would be a great burden on those individuals. That really shows what needs to be improved by the bill. One of two things would happen. They would either go without legal defence if they could not afford it, or they would spend some of their resources on that defence, as opposed to on training and transitioning to another occupation.

• (1235)

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I will start by saying that I am pleased to be sharing my time with the member for Notre-Dame-de-Grâce—Lachine, who will undoubtedly echo my remarks today.

First of all, as some of my colleagues have mentioned, it is important to say that the NDP will support the bill at third reading stage. We remember the process that the bill went through in the House at second reading and then in committee. It has now come back to the House, and it will have the NDP's support for a number of reasons that I will discuss.

I will provide a bit of background on what happened with this bill and where it came from. I will be brief because my comments are not necessarily related to third reading stage. On October 7, 2011, the Minister of National Defence introduced Bill C-15, An Act to amend the National Defence Act and to make consequential amendments to other Acts, or the Strengthening Military Justice in the Defence of Canada Act.

Bill C-15 amends the National Defence Act in order to strengthen military justice. It was introduced in response to the 2003 report by the former chief justice of the Supreme Court, the Right Hon. Antonio Lamer, for whom I have a great deal of respect, and the May

2009 report of the Standing Senate Committee on Legal and Constitutional Affairs. Those are the origins of the bill.

To give everyone some context, I will go through the objectives of this bill. It provides for more flexibility in the sentencing process. It also provides for additional sentencing options, including absolute discharges, intermittent sentences and restitution. It would modify the composition of a court martial panel in accordance with the rank of the accused person. It would also modify the limitation period applicable to summary trials and would allow an accused person to waive the limitation periods. The bill sets out the Canadian Forces Provost Marshal's duties and functions. It makes amendments to the delegation of the Chief of the Defence Staff's powers as the final authority in the grievance process.

That is a summary of the bill, which is rather long and impressive. It includes many things that deserve to be debated and discussed at length in the House.

As members know, the NDP feels that Bill C-15 is a step in the right direction. However, it is very important to note that the government could have perhaps done more, including listening to the opposition, which expressed a number of concerns and continues to do so, even as we are at third reading and approaching the final vote. However, perhaps the other place will consider the concerns we have raised.

Today I will discuss four issues that I think are the most important. I will first talk about the summary trials process and about police investigations conducted by military police. We know that there is the possibility of interference in these investigations. I will also talk about criminal records, and more specifically about our victory with certain crimes, which we are very happy about. I will talk more about this. Lastly, I will talk about the grievance process.

We thought that the summary trials issue was very important. We felt that sometimes, members of the Canadian Forces did not necessarily have the same rights as other Canadians who are protected by the Charter of Rights and Freedoms. We did not think that was right. Unfortunately, the government did not address this in the bill and the summary trials process remains unchanged.

I have a great deal of respect for members of the Canadian Armed Forces. I often cross paths with them because there are two reserve units stationed in my riding. I therefore often have the opportunity to interact with them, to talk to them, and to learn more about them. I did not have the opportunity to serve myself, even though I wanted and intended to. In the end, it did not happen. I took another path that led me here today. However, this job still allows me to talk about the armed forces, to get involved and to have fairly frequent contact with members.

I could not believe that all members of the Canadian Forces did not necessarily have the same protection.

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• (1240)

As Canadians, we are protected by the charter. We have the right to a fair and equitable trial and we have access to a lawyer and legal advice. That is not necessarily the case in a summary trial. Members of the Canadian Forces do not always have access to this type of counsel, and the NDP believes that they do not have the same rights as Canadians who are not members of the Canadian Forces. We must do everything we can so that those who decide to serve our country and give their time, energy and sometimes their lives get more respect from our government, are well protected and have the same rights as everyone else.

We have another concern about this bill. It pertains to military police investigations. The bill makes a few changes to a provision that would allow the Vice Chief of the Defence Staff to intervene in military police investigations through the Canadian Forces Provost Marshal. I am using some terms that I am not really familiar with, but I know enough about them after examining the bill, especially since I had the opportunity to speak about this bill at second reading. I familiarized myself with this process. I found it unbelievable that this potential interference could not be avoided since the provision gave the Vice Chief of the Defence Staff the authority to intervene with regard to how the military police investigation should or should not be conducted. In my opinion, this provision caused the military police to become somewhat less independent.

To draw an analogy with the current civilian police, it would be inconceivable for the mayor of a city to call the chief of police in that city to say that there is no need to continue an investigation or to tell the chief how to carry out the investigations under way. The same goes for provincial police and a premier. We can draw a parallel. In the case of military police, we must make sure that no interference is possible and that the police maintain their independence. When the police carry out an investigation, they have to do so as independently as possible so that the results are as reliable as possible.

In terms of criminal records, we have some good news. As my colleagues mentioned today, we were particularly concerned about the issue of criminal records. From the very beginning of the process, when various bills were introduced in the House, we have expressed reservations on a number of occasions. It was inconceivable that, after a summary trial, which I mentioned earlier, members of the Canadian Armed Forces would often end up with a criminal record. I will not list everything, but the NDP worked very hard to include exemptions for minor offences and to ensure that the people who decide to serve us will not have criminal records for those minor offences—which a regular Canadian would not have—especially after going through a process that is not necessarily fair and equitable.

I would have liked to talk about the grievance system. Perhaps I will have an opportunity to do so during questions and comments.

• (1245)

[*English*]

Hon. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, I have three or four quick points and a quick question.

The speaker from Windsor West was lamenting the lack of a flowery title. I point out that the short title of the bill is very

descriptive. It is called strengthening military justice in the defence of Canada act. That is pretty descriptive.

I will say that I believe that my hon. colleague is only 20, so he has lots of time to have a career in Parliament and then to sign up for the military. I would encourage him to do that. It is a great profession.

I will point out that the Provost Marshal, in discussing Bill C-41, said that he had faith in the independence of the system, which goes to one of the situations to which my hon. colleague has taken exception.

On the point of counsel, the vast majority of cases are minor in nature. For summary trials and other measures, people all have either counsel or an assisting officer who can assist them through the process.

One of the important features of the military justice system is timeliness, especially in a field of operation like Afghanistan. We would want to get the individual through the system and back into ops to conduct the mission of the forces. The vast majority of cases are minor, and timeliness is of the essence.

Does my hon. colleague have any comments on the necessity for timeliness in the military justice system?

[*Translation*]

Mr. Pierre-Luc Dusseault: Mr. Speaker, I would like to thank the member for the exceptional contribution he is making. He served in the Canadian Forces for decades.

As I mentioned at the beginning of my speech, in my role as MP, I have crossed paths with many members of the two Canadian Forces reserve units in my area. Those encounters have fuelled my growing passion for military issues, which is why I am pleased to be able to speak to this issue involving the Canadian Armed Forces.

As a member, I hope to be able to contribute as much as possible, in my own way. As for the suggestion that I serve as part of the Canadian Armed Forces, I cannot reject it outright, but only time will tell.

He also mentioned that timeliness is of the essence. There are times when the process needs to be quick because the situation warrants it. However, I find it unfair that anyone would want to deal with these types of cases as quickly as possible. An individual whose trial is rushed will have a criminal record forever.

[*English*]

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, I cannot comment on whether the hon. member is fit for a military career. I can comment on whether he is fit for a hockey career, and certainly on that score, the Montreal Canadiens could use his shooting skills, but possibly not his skating skills.

The hon. member's party voted against Bill C-15 at second reading. It submitted 22 amendments, all of which were defeated, filibustered the bill and voted against the bill at committee. Now members have made quite a number of half-hearted speeches.

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I actually agree with the content of the hon. member's speech. I do not quite understand how, after voting for all of this period of time and speaking against the bill, and in some instances quite eloquently, they have now decided to support the bill.

I wonder if he could enlighten us as to their thinking.

[*Translation*]

Mr. Pierre-Luc Dusseault: Mr. Speaker, I thank the hon. member for his kind words regarding my skills. For the record, I do not plan on embarking upon any new careers. For the time being, I will focus on my work here and dedicate my time to trying to foil the defence.

That said, we certainly worked very hard on this bill, particularly at the committee stage, where we presented 22 amendments and five subamendments, and we managed to score a victory.

The issue of criminal records is something that we are extremely concerned about. We have been talking about it since the very beginning of the process, even before Bill C-15 came along, but we voted against the bill at the time. Now, however, after examining the bill in committee, we scored a victory. We were as fair as possible and we managed to work hard to achieve this success.

My speech focused on the less positive aspects, but generally speaking, the bill is a step in the right direction.

We hope that Parliament will not wait another 10 or 15 years before reviewing military justice again, for that is how long it took this time. If any changes need to be made in the future, because someone sees something wrong, we hope those changes will be made as quickly as possible.

• (1250)

Ms. Isabelle Morin (Notre-Dame-de-Grâce—Lachine, NDP): Mr. Speaker, I am pleased to speak to Bill C-15, An Act to amend the National Defence Act and to make consequential amendments to other Acts. This is the second time I have spoken about this bill, because I made another speech during second reading.

It is a privilege to speak to this bill even though, as we have seen today, the other parties seem to think we should be cutting debate short. They are saying that we should not take the time to discuss it since everyone is in favour.

I believe it is important to talk about it, however, so that my constituents will understand what we are voting for and so that I can explain why the NDP voted against the bill at second reading and why we are voting for it now.

Many of my colleagues have said that they have reserve units in their riding. Unfortunately, there are none in my riding; however, many of my friends, acquaintances and family members serve in the Canadian Armed Forces, and I would like to say hello to them today. I would also like to acknowledge the three Legions in my region because I think that the work they do is very important, even though they fall under a different department. I am talking about the Legions in Notre-Dame-de-Grâce, Lachine and Dorval.

I would like to give some background on this bill. In 2003, the former chief justice of the Supreme Court, Mr. Lamer, issued his report, which contained 88 recommendations and resulted in the current bill. In May 2009, the Standing Senate Committee on Legal

and Constitutional Affairs also tabled a report, and on October 7, 2011, the first version of this bill was introduced.

What does this bill do? Basically, it provides for greater flexibility in sentencing. This means additional sentencing options including absolute discharges, intermittent sentences and restitution orders. It modifies the limitation period applicable to summary trials. It sets out the Canadian Forces Provost Marshal's duties and functions. Finally, it amends the delegation of the Chief of the Defence Staff's powers as the final authority in the grievance process.

Today, I will focus on two points, but first, as my colleagues pointed out, I want to say that we will support this bill even though it was a long process. Things happened bit by bit. The minister should have been working on this for the past 10 years. Still, none of this should come as any surprise considering what the minister has done so far. The minister made mistakes with respect to helicopters. He made mistakes in the fiasco involving soldiers in Afghanistan, where some soldiers were paid more than others because of danger pay. Who could forget the F-35 fiasco and the millions of dollars spent on advertising? Clearly, the minister is incompetent, but at least we have a bill that is good enough for us to support.

The reform did not happen fast enough, but we will work with what we have.

We have agreed to vote in favour of this bill because the committee passed an amendment concerning criminal records that was very important to us. That was the focus of my speech at second reading. Under some circumstances, soldiers who committed certain minor offences could end up with a criminal record. A criminal record can close a lot of doors in a person's life. Consider travel. It can be harder to travel to certain countries if one has a criminal record. Some employers want to know whether a potential employee has a criminal record.

I know that soldiers, members of the Canadian Armed Forces, represent rectitude, that they should be role models for everyone and that they should always do the right thing. However, when I see the minor offences that could result in a criminal record, that seems pretty heavy to me.

• (1255)

I am glad that provision was withdrawn. I would like to talk briefly about how that happened. In committee, we proposed 22 amendments and five subamendments. The Liberals did not propose any, and the Conservatives proposed two. The amendments often overlapped, but at second reading, most of my colleagues emphasized their concerns about the issue of criminal records. By the end of the committee stage, we managed to resolve the problem. This is also an excellent example of co-operation, of a bill that can make its way through the legislative process, referred from the House of Commons to a committee and then sent back to the House, while being amended to ensure that all parties can support it.

Unfortunately, we do not see this very often in this Parliament. When I was first elected, I was extremely disappointed to see how hard it is—especially in the current political context of a majority government—to have our voices heard, to share our point of view and move bills forward in the right direction. We want to represent all Canadians. If the government constantly shuts down all debate and ignores others' comments, we are not going to get very far. I would therefore like to thank the government for listening to us—this time—and for supporting our amendment. That is what happened at committee in March.

The second thing I wanted to talk about, which some of my colleagues have already mentioned, is how summary trials work. I would like to read what the Department of National Defence website says about summary trials:

The purpose of summary proceedings is to provide prompt but fair justice in respect of minor service offences and to contribute to the maintenance of military discipline and efficiency, in Canada and abroad, in time of peace or armed conflict.

Summary trials are a very important part of military justice. They were put in place because they work well in the military justice system. One aspect of the bill that I find interesting concerns changes to the duration of summary trials. That is very important. As we mentioned, if we want members of the Canadian Armed Forces to have fair trials for minor offences, the trials cannot be rushed, as my colleague said. If we speed through trials, and people do not have the time to defend themselves properly or to fully present their arguments, the trials will not be as meaningful and may not get to the bottom of things. Therefore, it is very important that we improve this system in order to ensure that it works better and is more fair and just, one of the first things mentioned on our website.

Several elements of the LeSage report were included in the bill. We would have liked a more direct legislative response. The report was submitted to the government in December 2011. It was tabled and presented to the House on June 8, 2012. There was a six-month interval. I really mean it when I say that the reforms are piecemeal. We would have appreciated a more direct legislative response. I understand that the bill refers to the report, but we could have done more.

In closing, I want to quote at least two people who support our position. I will only quote one as I have little time left. At least two people supported our position.

● (1300)

I am referring to Glenn Stannard, chair of the Military Police Complaints Commission, a key player. In February, he said:

As far as the commission is aware, there have been no problems with the accountability framework that justify its revocation at this time, and proposed subsection 18.5(3) runs counter to...

The Acting Speaker (Mr. Barry Devolin): The hon. member for Sherbrooke has the floor for questions and comments.

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I am even more pleased to have shared my time with the member for Notre-Dame-de-Grâce—Lachine because of her wonderful speech.

Still, I will ask her a question about a topic that she may not have had time to fully address. It has to do with protecting the rights of those serving in the Canadian Armed Forces.

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What does the member think about those rights? Should they be protected? Should members of the Canadian Forces have the same rights as all other Canadians?

I would like to hear what she has to say about the rights of those who have agreed to serve our country in the Canadian Forces.

Ms. Isabelle Morin: Mr. Speaker, I thank my colleague from Sherbrooke for his question and flattering remarks.

There is no question that members of the Canadian Armed Forces should have the same rights as everyone else. I cannot disagree with that. I am also surprised to see how many people think that those serving Canada in the forces do so in conflict zones abroad. Actually, they also carry out many peace and humanitarian missions. I commend them for that.

Clearly, there is no question that their rights should be at least as good as the rights of every other Canadian.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, Bill C-15 does not deal with the issue of rights for counsel for summary appeals. There is no right to an appeal. No transcript is kept. On the other hand, in other forms of justice systems that is allowed to take place. Could she provide an explanation as to why she does not believe those types of needs are good for our military personnel?

[*Translation*]

Ms. Isabelle Morin: Mr. Speaker, I thank my colleague for his question.

I used the interpretation system and the question was not quite clear. Could I have an extra 30 seconds so that the member can repeat the question? It did not come through very well.

[*English*]

The Acting Speaker (Mr. Barry Devolin): Order, please. Apparently there was a problem with the translation. Is the translation of English to French working now?

[*Translation*]

Is the interpretation from French to English working as well?

[*English*]

Maybe the member for Winnipeg North could restate the question very quickly.

Mr. Kevin Lamoureux: Mr. Speaker, there are concerns in regard to the summary “appeals”, no right to counsel, no right to appeal, no transcript — or summary “trial”, sorry. Does the member believe that members of the Canadian Forces should have the same rights that would take place in civil courts?

● (1305)

[*Translation*]

Ms. Isabelle Morin: Mr. Speaker, I thank you for allowing my colleague from Winnipeg North to restate his question.

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In fact, summary trials are specific to the military justice system. This system works for the forces. It was developed for the forces. If we want to revisit the fact that military personnel are not entitled to counsel or a transcript, perhaps we should consider the issue in greater depth. At this point, they are not entitled to those things. This is the way things are. Yes, military personnel are entitled to the same rights. Perhaps we should change things so that they can have access to counsel and have a transcript. However, I wanted to express the view that, if at least there were no longer any limitation period, this would be a step in the right direction.

Regarding the recommendations made by Justice LeSage, yes, there should have been a more comprehensive review of the reform package. As I have said on many occasions, things happened bit by bit, in a piecemeal fashion. Perhaps there should be a more comprehensive review in order to have a reform that covers all the issues. At that point, we could perhaps allow transcripts or change some of the procedures in summary trials.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is with pleasure that I rise to speak to Bill C-15. The other day I had the opportunity to say a few words prior to its coming to third reading. It is always a pleasure to share some thoughts and ideas and provide comments on the important issue of military justice versus civilian justice.

I would like to start off, as I have done in the past, by indicating that I had the privilege and honour of serving in the Canadian Forces for a number of years. I was posted to Edmonton. The Griesbach and Lancaster Park is located in Edmonton. The military jail is located in Griesbach. The jail was quickly pointed out to us. Fortunately I never had to use the facility other than to visit it. However, I have an interest in this area.

I have been trying to follow the debate today. The NDP has been all over the map on the issue. I came in this morning shortly after 10 o'clock when the debate had just started. The Minister of National Defence and the NDP House leader were here. It was if they were coming together, and it is not the first time. I instantly had a flashback to the anger moment when the leader of the official opposition was quite upset and the Minister of National Defence had to walk over and possibly prevented a fight because of the anger issue within the New Democratic Party—

The Acting Speaker (Mr. Barry Devolin): Order, please. The hon. member for Chicoutimi—Le Fjord is rising on a point of order.

[*Translation*]

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Mr. Speaker, perhaps I am mistaken, but I believe that the language used by my Liberal colleague is unworthy of his office. He should choose more appropriate words to describe what goes on in the House, so that he does not use language that is almost unparliamentary.

[*English*]

The Acting Speaker (Mr. Barry Devolin): I was momentarily distracted and did not hear exactly what was said. However, I will use the opportunity to remind all hon. members to reference their colleagues with the respect they are due.

Resuming debate, the hon. member for Winnipeg North.

Mr. Kevin Lamoureux: Mr. Speaker, I can assure you that I did not use any unparliamentary language. I was reminiscing about something that took place here.

It was nice to see this morning that there was affection, once again, between the New Democrats and the Conservatives on this bill, Bill C-15. In fact, as has been pointed out, there was a time when the NDP opposed Bill C-15, to the degree that it voted against it going to second reading. Liberals were actually quite open-minded about it. We had suggested that we should wait to see what took place at the committee stage, recognizing the value that could potentially be gained on the government side.

Then the bill went to committee. I understand that the New Democrats made in excess of 20 amendments. I believe that is what members have said time and time again. What they do not say is that they were blanked out. Not one amendment passed from the New Democratic caucus. Then—

Mr. Jamie Nicholls: That is not true.

Mr. Kevin Lamoureux: That is not true? Did any NDP amendments pass in committee?

Hon. John McKay: Not that I recollect.

Mr. Kevin Lamoureux: They might want to check the committee records, Mr. Speaker. If there is one, they have 10 or 15 minutes to maybe explain exactly which amendment of theirs passed.

I know that a couple of Conservative amendments passed. There has been a different style of government ever since this Reform-Conservative government came into power. Unless they are Conservative amendments, they do not typically pass. We have seen that. Liberals have introduced well over 1,000 amendments. The Conservatives do not like to pass opposition amendments. They have their own agenda. It is very difficult. At times, there may be a bit of a bend here and there, but not beyond that.

The New Democratic Party members ultimately voted no in committee on the legislation itself. Something happened in between. I suspect it may have been the opposition House leader working with the Minister of National Defence, because they have a good working relationship, as I pointed out at the beginning of my comments. Now they are happy and are supporting it and are taking turns taking shots at the Liberal Party in the House, because it is actually taking a principled stand on the legislation and is saying that there are serious issues. We are not prepared to do what the NDP has done and abandon them. We believe that we should seriously look at voting against it.

I would like, and I say it somewhat tongue in cheek, the NDP to revisit the issue. As best I can tell, it is voting in favour of the government's bill today because of the issue of minor offences. Whereas an individual who committed a minor offence could have ended up with a criminal record, the government has minimized it by way of an amendment it brought to the House of Commons. As a result, it has garnered the support of the New Democratic Party. That is an important issue.

Government Orders

When we look at the legislation as a whole, there are some positive things being done in Bill C-15. Liberals do not question them. However, there is a very serious issue, which the government has refused to look at. I made reference to it when I posed my question a few minutes ago. I said that I was a member of the Canadian Forces. I always considered myself a Canadian first and foremost, as all members of the Canadian Forces see themselves. At the end of the day, we would all like to think that they have a fair system. We recognize that there are discrepancies between military justice and the civil justice system, and we know that in some situations, that has to be the case.

● (1310)

I have cited in the past examples of being at work on time. There is a much stiffer penalty in military discipline with respect to showing up late or missing a day or two. If they miss a day, they could be accused of going AWOL, and there is a huge consequence for doing that. In the civil service, it is quite different. Within the private sector, it is quite different.

We recognize the need to allow that difference, but we should be trying to narrow the gap wherever we can so that we have a system that is fair. I believe that the NDP has missed the boat, or has maybe jumped out of the boat, on the issue of fairness in dealing with individuals who are members of the Canadian Forces.

At committee, Justice Létourneau spoke eloquently, I thought. He said that soldiers are citizens and should enjoy the same constitutional charter rights as all Canadians. He stated:

We as a society have forgotten, with harsh consequences for the members of the armed forces, that a soldier is before all a Canadian citizen, a Canadian citizen in uniform. So is a police officer...but he's not deprived of his right to a jury trial. Is that what we mean by "equality of all before the law"? Is not the soldier who risks his life for us entitled to at least the same rights and equality before the law as his fellow citizens when he is facing criminal prosecutions?

He then answers the question by saying that yes, it is.

Another presentation was made by Michel Drapeau, a distinguished Canadian. He served in the Canadian Forces brilliantly, I must say. He is actually a retired colonel. I think it is important to take note of some of the things he said in committee.

Again, I will quote directly what the retired colonel said:

...someone accused before summary trial has no right to appeal either the verdict or the sentence. This is despite the fact that the verdict and the sentence are imposed without any regard to the minimum standards of procedural rights in criminal proceedings, such as the right to counsel, the presence of rules of evidence, and the right to appeal.

He continues:

In Canada, these rights do not exist in summary trials, not even for the decorated veteran, yet a Canadian charged with a summary conviction offence in civilian court, such as Senator Patrick Brazeau, enjoys all of these rights. So does someone appearing in a small claims court or in a traffic court.

I find it very odd that those who put their lives at risk to protect the rights of Canadians are themselves deprived of some of these charter rights when facing a quasi-criminal process with a possibility of loss of liberty through detention in a military barracks.

To me, this is one of the underlying principles of the legislation. It is something to which we should all be giving special attention. Do we want the fairness provided to the civilians to be provided to individuals who put on our military attire?

● (1315)

As someone who has been a member of the Canadian Armed Forces, I would have liked to have seen that sort of system in place.

I cannot say how many times I have sat here and listened to New Democratic members of Parliament talk about how legislation is not perfect, so they are voting against it. They say that if it goes to committee, it needs to be made good. If it has to be amended, they will make amendments. If the government does not pass the amendments and it is not perfect legislation, they will not support it.

I have asked questions about that. I have challenged the opposition members and asked if they would support legislation if, on balance, it was good but there were some issues they had problems with. The wonderful thing about *Hansard* is that we can look at it. Time and time again, they say no, they want perfect legislation.

That is not what we are seeing here today. This is not perfect legislation by any stretch of the imagination. There is a need for us to make some changes to the legislation. In many pieces of legislation, one would find that there is a need to make amendments. We already know what the government is going to do with amendments. If it is not one of its amendments, it will not pass.

In many cases, we attempt to bring forward amendments. In other cases, we hope and have faith that the government will do the right thing. In this situation, the government has not chosen to do the right thing. That is unfortunate.

This is legislation that has been before the House before. The government talks about having 100 members of Parliament who have spoken to it. It has spent time in committee. Through the years, the government has failed to bring in the legislation. They have to take responsibility for it not always passing. An example is that the government chose to prorogue a session, something that had a huge, negative reaction from the Canadian population. That killed the bill.

Whether it is elections or the proroguing of sessions, the government has not been successful in bringing forward this legislation in a timely fashion.

It has also demonstrated that it does not recognize the importance of the Charter of Rights and Freedoms, our Constitution and fairness in our justice system when it comes to our military personnel.

A number of changes are being proposed in Bill C-15. It would provide security of tenure for military judges. It would allow for the appointment of part-time military judges. It would outline sentencing objectives and principles. It would amend the composition of the court martial panel according to rank. It would change the name from the Canadian Forces Grievance Board to the military grievances external review committee.

In fact, there were even some amendments brought forward from the government that ultimately passed. They dealt with an issue I made reference to yesterday.

● (1320)

The idea of giving someone a criminal record for something that took place while they were serving in the military in relatively minor situations is just unfair. We needed to see some changes on that front.

Government Orders

We are glad that the government has seen the light, at least in part, on that issue. It is exceptionally difficult, when individuals go for an interview, after serving x number of years, whether it is three years, eight years or whatever it might be, in the forces, during which time one day they were a little upset and used some profanity toward their superior officer, and a profound disciplinary action was taken.

Let us compare that to civilian life. In the military life, that could actually lead to a criminal conviction. They would not even have had the opportunity to see a transcript or to appeal the decision in a summary trial. We have to think of the consequences of that. Those individuals now go out into civilian life, and because of that moment of stress, anxiety, pressure or whatever it might be, when a question is posed on the application about whether they have a criminal record...we have to think about that outcome.

That is the reason there was a need for change. Having said that, I really believe that when we talk about summary trials, what is really at the crux of it is the idea that someone does not have a right to counsel, does not have a right an appeal and there is no transcript.

We are not saying we have to go it alone; other countries in the world have moved in that direction. One could ask the question, why not Canada?

• (1325)

Mr. Chris Alexander (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, now let us get this straight.

For decades in the 20th century, we had a summary trial system. Under Liberal governments, it was seen as constitutional, and indeed legal in every respect, a model to the world.

After 1982, the Charter of Rights and Freedoms was entrenched in our Constitution. We had Liberal governments for about 20 years at that time, the better part of two decades. The Liberal Party of Canada saw summary trials as they existed in our unreformed National Defence Act as constitutionally legal.

Fast forward to 2003 and the Lamer report, which recognized summary trials as legal and constitutional, but recommended some modifications, some updating of the National Defence Act. The Liberals did not act on that for three years.

From 2006 to now, Liberals, as they are today, blocked every attempt to make these amendments, but on the final stage of third reading of the fourth attempt to bring these changes in, they decided that summary trials were no longer constitutional and legal.

Does the Liberal Party simply not have a position, or has it changed its position 180°, and if so, why?

Mr. Kevin Lamoureux: Mr. Speaker, things change through time. There will be a time on this particular government, I must say. Having said that, the hon. member made reference to the 2003 report to the minority government. There were in fact efforts made toward changing the system.

The member is saying that it has been debated enough inside the chamber, and even though the Liberal Party might be right, it does not matter. He saying that we should all just give a good, big, group hug, support it and pass the legislation. That is the mentality that the member is a proponent of.

I would suggest that the bill itself is fundamentally flawed because you have not, and you could have, in fact, improved the bill. You or the government—

Some hon. members: Oh, oh!

The Acting Speaker (Mr. Barry Devolin): Order, order. I am going to give the member a few seconds to wrap up, but again would remind him to address the Chair rather than his colleagues.

The hon. member for Winnipeg North.

Mr. Kevin Lamoureux: Mr. Speaker, the government needs to recognize that it is the one that is ultimately responsible for not doing the right thing here, and that is treating the Canadian Forces with more respect when it comes to judicial process.

• (1330)

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, I listened with great interest to the member's speech, apparently using speaking points from our speeches for the six or eight months that we debated this in Parliament.

The member said he did not know how many times he had listened to us. Well, we had 55 speakers at second reading. I think the hon. member's party had three, and they supported the legislation at second reading. We voted against it. We went to committee and introduced I do not know how many amendments—15, 16, 20, or thereabouts. The Liberal Party, which supported the second reading and seemed to be satisfied with it, introduced none.

Now it is coming here, reading our speaking notes, saying that it is going to vote against the legislation and giving us grief because we have tried to improve the legislation. We brought forth the witnesses to say the things that the member is now quoting. We championed this cause.

I want to understand why it is that the member gave the speech that he did. Was the Charter of Rights not in existence when his government was in power, between 1993 and 2006? What did you do about it then?

The Acting Speaker (Mr. Barry Devolin): Before I go to the member for Winnipeg North, I would like to remind all hon. members again, including the member for St. John's East, to address their comments to the Chair rather than their colleagues.

The hon. member for Winnipeg North.

Mr. Kevin Lamoureux: Mr. Speaker, the New Democrats need to give their collective head a shake on this issue. They are just not making any sense. It is time to have a caucus and try to get things on the right track, or at least revisit what it is that they are doing.

Let us think about it. The Liberal Party says, "Yes, let the bill go to committee. In principle, let us allow it to go to committee in the hope that government will in fact make some of the changes." What does the NDP do? It says, "No, do not let it go to committee." It goes to committee and what do the New Democrats do? They propose 22 amendments, all of which get defeated and then they go on to have a filibuster on the legislation. Now, they have somehow had this road to Damascus conversion. The Minister of Defence has hoodwinked them and now they are going to be voting in favour of the legislation.

The Liberal Party has been consistent on this piece of legislation. In fact, I would suggest that it has been the Liberal Party that has said that it recognizes that our members of the Canadian Forces should have the same treatment, as much as possible, in the justice system as civilians.

That is something in which we want to narrow the scope. Obviously, we are different from the New Democrats. They really need to re-caucus the issue because they are out of tune with the charter.

Mr. Mark Strahl (Chilliwack—Fraser Canyon, CPC): Mr. Speaker, I listened with amusement to the hon. member's speech.

I did want to ask him why the members of the Liberal Party of Canada did nothing about this during its 13 years in power. How many more years would they have needed in government to bring forward significant reform to Canada's military justice system? Are they just blowing hot air once again here in the chamber?

I know the hon. member was not a member of the government, but he could look behind him to the hon. member for Scarborough—Guildwood and perhaps ask him.

Mr. Kevin Lamoureux: Mr. Speaker, one could ask the member why is it that the former Reform Party never recognized it as a valuable issue to the degree that it never raised it in question period.

The member is clapping his hands. He should give himself a clap and a pat on the back. The Reform Party was a disaster.

I suspect the New Democrats also never raised the issue in question period.

It was not until 2003 that the study came down to deal with the issue, which was initiated by the Liberal Party. Yes, there were a lot of things that we did in those last three years. They can talk about the Kelowna accord, child care and managing our economy to the degree that we had a surplus. We had a trade surplus. Look at where we are today. Yes, it would have been nice.

Now we have the opportunity to make a difference and let us do it right. If they do not want to do it right, wait until 2015 and the Liberals will get it right.

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, the member for Winnipeg North seems to be obsessed with the NDP. He spent about 10 out of 20 minutes talking about us. Is it because he won by 45 votes over the NDP in Winnipeg North that he is so obsessed with us and what we are doing?

I come back to the question that was asked. They voted for the bill at second reading. Normally, this course of action is taken in order to propose substantial amendments in committee and try to improve the bill. However, once the bill got to committee, they did not do anything. To defend themselves, they said they tried to improve the bill, but they did absolutely nothing.

Is it the Liberals' philosophy to sit back and let the government do what it wants to, without saying anything or making any concrete proposals? Instead of simply voting against a bill, the Liberals should also put forward amendments, as we do in committee. What does the member think?

Privilege

● (1335)

[*English*]

Mr. Kevin Lamoureux: Mr. Speaker, one of the things I never do is take my constituents for granted. Whether one wins by 45 votes or 4,500 votes, I like to believe that I never take my constituents for granted and I will continue to work for them. I suspect members will find an attitude like that within the Liberal caucus.

Within the New Democratic caucus, members might feel that Jack Layton was its jackpot. However, at the end of the day, members will have to answer to the best of their abilities.

What concerns me is the fact that we continue to move forward where we can, and I believe that this legislation could have been made better.

I apologize if I offended anyone with my comments regarding Jack Layton. I respect what he was able to accomplish as a parliamentarian. However, my point in standing at this time is to say that we should never take our constituents for granted.

The Acting Speaker (Mr. Barry Devolin): Order, please. Before we resume debate, I understand the hon. member for Saint-Lambert is rising on a question of privilege.

* * *

[*Translation*]

PRIVILEGE

SCOPE OF PRIVATE MEMBERS' BILLS

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, I rise today on the question of privilege—which is not truly a question of privilege—raised by my colleague from Toronto Centre. The question has to do with the eighth report of the Standing Committee on Citizenship and Immigration, which recommends to the House that it:

...be granted the power during its consideration of Bill C-425, An Act to amend the Citizenship Act (honouring the Canadian Armed Forces) to expand the scope of the Bill such that the provisions of the bill be not limited to the Canadian Armed Forces.

I want to share why I think this question should be ruled out of order. However, before I share my arguments, I would like to correct what has been said so far. When the hon. Leader of the Government in the House of Commons, the member for York—Simcoe, spoke on April 25, 2013, he misled the House. In speaking about the amendment, he implied that the eighth report of the Standing Committee on Citizenship and Immigration is:

...asking the House to debate it for a number of hours and decide whether we think it is within the scope [of the bill]...

As you know, Mr. Speaker, that is not at all the case. This report does not ask us to determine whether the proposed amendments are within the scope of the bill. On the contrary, as I will explain later on, the committee clearly showed that it knows the proposed amendments are outside the scope of the bill. The report asks the House to give the committee the power to expand the scope of the bill and not to make judgments about amendments that could be made in committee.

Privilege

I must also add that the member for Toronto Centre clearly did not do his homework before he spoke prematurely on the concurrence of this report before a motion to concur even made it to the order paper. A committee may seek an instruction from the House to expand the scope of a bill. In the second edition of *House of Commons Procedure and Practice*, O'Brien and Bosc are clear:

Once a bill has been referred to a committee, the House may instruct the committee by way of a motion authorizing what would otherwise be beyond its powers, such as, for example...expanding or narrowing the scope or application of a bill. A committee that so wishes may also seek an instruction from the House.

That is exactly what the Standing Committee on Citizenship and Immigration is trying to do with its eighth report.

However, and this is the reason for my speech, there is a limit to the instruction that the House can give to a committee. I would like to quote from O'Brien and Bosc once again:

A motion of instruction will be ruled out of order if it does not relate to the content of the bill, if it goes beyond the scope of the bill (for example, by embodying a principle that is foreign to it...)

That is why, Mr. Speaker, I firmly believe that you must intervene and rule that the Standing Committee on Citizenship and Immigration's request for instruction is out of order. This request is far too broad and does not allow the House to determine if the committee is likely to include a principle that is foreign to the bill.

There is some precedent where motions of instruction were deemed to be in order and were debated in the House. However, in each of those instances, the instructions were far clearer than those sought by the Standing Committee on Citizenship and Immigration today. One example is from April 27, 2010, when the member for Nanaimo—Cowichan moved the following motion of instruction:

That it be an instruction to the Standing Committee on Aboriginal Affairs and Northern Development, that it have the power during its consideration of Bill C-3, An Act to promote gender equity in Indian registration by responding to the Court of Appeal for British Columbia decision in *Melvor v. Canada* (Registrar of Indian and Northern Affairs), to expand the scope of the Bill so that a grandchild born before 1985 with a female grandparent would receive the same entitlement to status as a grandchild of a male grandparent born in the same period.

● (1340)

This motion was very clear and was ruled to be in order with good reason. It gave the Standing Committee on Aboriginal Affairs and Northern Development permission to expand the scope of the bill in question, while providing strict limits as to how the committee could do that. By voting on this motion, the House was assured that the committee would not include a principle that is foreign to it in the bill.

In contrast, the motion of instruction that we have before us is simply asking the House for the power to expand the scope of the bill so that it is not limited to just the Canadian Armed Forces. What does that mean exactly? What amendments does the committee want make to the bill so that it applies to more than just the Canadian Armed Forces?

As it currently stands, the bill allows permanent residents who are members of the Canadian Armed Forces to get their citizenship more quickly. By asking that the bill apply to more than just members of the Canadian Armed Forces, is the committee suggesting that it would like to amend the bill so that permanent residents who are

working in professions that are not related to the Canadian Armed Forces can also get their citizenship more quickly?

It is not at all clear. How can the House decide on such a motion of instruction when it does not know how the committee will proceed or whether the committee will try to include a principle that is not foreign to it in the bill?

I would also like to add that, if the committee's motion of instruction were to be found in order, it would set a dangerous precedent. By allowing a standing committee to expand the scope of a bill without specific instructions, we would be going down a very dangerous path under the current circumstances. Given this majority government's tendency to use private members' business to forward their own agenda, private members' business would be used as a way for the government to get around the rules.

Catherine Dauvergne, a law professor at the University of British Columbia, appeared before the committee as an individual during the examination of Bill C-425. She could not have provided a better explanation of the danger associated with such solicitation of instructions. She said:

...such a profound change to our Citizenship Act such as the one the minister is proposing must not be done by a process like this, by a private member's bill. That process reduces the time allowed for debate and for this committee to do its work and it protects the changes that the minister is proposing. This is controlling democracy.

Mr. Speaker, as you know, section 3 of the Canadian Charter of Rights and Freedoms Examination Regulations states:

In the case of every Bill introduced in or presented to the House of Commons by a Minister of the Crown, the Minister shall, forthwith on receipt of two copies of the Bill from the Clerk of the House of Commons, (a) examine the Bill in order to determine whether any of the provisions thereof are inconsistent with the purposes and provisions of the Canadian Charter of Rights and Freedoms...

By asking standing committees to broaden the scope of bills to include suggestions from ministers, the government is not fulfilling its responsibility to examine the bills, as stated in the Canadian Charter of Rights and Freedoms Examination Regulations.

Pursuant to Standing Order 91.1(1), the constitutionality of private members' business is studied only by the Subcommittee on Private Members' Business, before a bill is debated at second reading.

By trying to expand the scope of the bill after second reading, the government is avoiding the constitutional test and will therefore be able to amend private members' bills as it sees fit, instead of presenting those concepts in government bills that must pass the constitutional test of the Minister of Justice.

● (1345)

Mr. Speaker, let me conclude by urging you to pay particular attention to the eighth report of the Standing Committee on Citizenship and Immigration, which the NDP feels should be ruled out of order.

Such a request for instruction is much too broad for the House to be able to ensure that the changes subsequently made by the committee will not include concepts that are foreign to the bill and will not violate the charter.

Government Orders

Giving such latitude to a standing committee will set a very dangerous precedent that this majority government will certainly use in a partisan and anti-democratic fashion.

Thank you for your attention. To help you with your study of this important issue, I will provide you with the evidence from the study of Bill C-425 conducted by the Standing Committee on Citizenship and Immigration.

I am convinced that, once you look at the evidence, you will also agree that the eighth report of the Standing Committee on Citizenship and Immigration is out of order.

[*English*]

The Acting Speaker (Mr. Barry Devolin): The Chair thanks the hon. member for Saint-Lambert for her contribution. I am certain the Speaker will take it into consideration when he deliberates on this matter.

The hon. member for St. John's East.

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STRENGTHENING MILITARY JUSTICE IN THE DEFENCE OF CANADA ACT

The House resumed consideration of the motion.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, I am very pleased to have an opportunity to speak to Bill C-15 at third reading.

It has been quite interesting listening to the debate. It seems to have taken a very interesting turn. However, I want to explain not only for members of the House—in particular the Liberal Party, which does not seem to understand the legislative process—but also for the men and women in our military, our soldiers, sailors and airmen, how the legislation is designed to improve the circumstances of not only their lot but of military justice in general.

It seems as if the Liberal caucus has just discovered the Charter of Rights and Freedoms, which was brought into force, in my recollection, some time in 1983 while the Liberals were in power. Certainly they were in power from 1993 to 2006. They did not seem to have the concerns that they are raising here at third reading about the issue.

Let me explain why our party is supporting this legislation at third reading today.

My first involvement with Bill C-15 was with its predecessor, Bill C-41, in the last Parliament. In the last Parliament there was a terrific amount of effort made by our party, and this hon. member, when we were the same size as the Liberals are now. I took my place as one member on a committee of a dozen. We were in the majority on the opposition side of the House. It was a minority government.

One of the things that I made an important aspect of our cause in that committee was to try to seek improvements on the issue of summary trials. That was done not only through amendments in relation to that particular provision but also through a whole series of others. In fact, in our caucus I had probably the greatest number of amendments to the legislation at that time, several of which passed. Unfortunately, they were stripped out by the government in this iteration, Bill C-15.

One of the things I was particularly concerned about as someone who has practised law and criminal law for a number of years, since about 1980, was the fact that the summary trial provisions did not accord the kinds of protections that the civilian trial system does. People in the forces were getting criminal records for things that no one would ever get a record for in civilian society. Not only that, they were not afforded the protection of due process.

The member for Winnipeg North can read one of the 55 speeches that we gave at second reading, when we voted against the legislation as it was presented because we did not support it in principle. It had nothing to do with going to committee. Second stage reading is approval in principle; we did not approve it in principle because the amendments that had been made in the last Parliament were stripped out and the protections were minimal for those charged with offences. We were concerned about that, so we voted against it at second reading.

We submitted 22 amendments at committee to improve the bill. There were a lot of improvements in the bill already. It was a reformatory piece of legislation. It sought to advance a whole number of issues that needed to be taken seriously as a result of recommendations that had come by way of two important reports by former chief justices of Canada.

It was not perfect and it is not perfect now. However, if we have to wait for perfection, there would be no legislation passed in the House, so we have to deal with what we have on the table today.

What we have today is that the amendment passed in committee would now result in some 93% of all of the charges that would be laid under the code of military justice not resulting in a criminal record for the men and women in uniform. That is substantial progress.

It is not perfect. In fact, we have a whole series of other things that we would do in government, and in fact, there is one backward step in the bill, which I will get to. It has to do with instructions to be given to the Provost Marshal by the Vice Chief of the Defence Staff in terms of a particular investigation. We are here today to make a commitment to the men and women in uniform that when we get into power in 2015, we will fix that.

● (1350)

Not only will we fix that, but we will also do some of the other things that I am going to talk about shortly, some of the things that we proposed in committee to improve the grievance process.

We have a terrible situation in the military with regard to grievances. Individuals can have a grievance over something as mundane as whether they should get paid a certain amount of money—\$500, or whatever—for moving expenses. Sometimes these people have to wait 12 or 18 months to get their grievance processed. That is wrong. People as prominent as a former chief justice of Canada were saying there should be a time limit of 12 months maximum, and that if it cannot be figured out in 12 months, the person should be able to go to the Federal Court and get the reason why. That seemed to me to be very simple and practical, and we actually moved that amendment.

Statements by Members

We did not see any amendments from the Liberals in committee. They supported the bill at second reading, and by the way, second reading does not mean we vote for the bill to go to committee. I have been here for five years in two different pieces. I was in another legislature for 16 years.

Mr. Greg Rickford: One and a half.

Mr. Jack Harris: No. I have been here five. I was here one time before, way back in the 33rd Parliament. I was 16 years in another legislature. Second reading meant the same thing in both places, which is approval in principle, so when the Liberals voted for this legislation at second reading, they voted for approval in principle.

The principles that were there then are still there today. The Liberals offered no improvements, although there were a couple of substantial improvements, one of them about summary trials. Now that the bill has been improved, they do not like it and they are going to vote against it. I do not understand that. I will let the public and members of the military try to figure out why the Liberals have changed their minds on this bill.

There have been some improvements, although the system for grievances needs to be tightened up and we need to have more civilians on the board. We moved amendments to that effect. We are pleased that the act has been reviewed.

We also brought forward witnesses, probably some of the most eloquent witnesses that the committee has heard from, who talked about justice in general and military justice in particular. I am speaking of a retired justice of the Federal Court of Appeal who was the former commissioner of the Somalia commission. He has a great deal of knowledge about military justice in Canada and about the operation of the military. He had some very important things to say to the committee about what is really needed. He asked for a more comprehensive review of military justice, and we reiterated that in our request. That needs to be done.

I will read the suggestion from his evidence:

Hence, my first point is there is a need for a fundamental wall-to-wall review of the National Defence Act, a review that has to be conducted outside the control of the Department of National Defence so that Parliament can be provided with a legislative proposal that addresses not only the wishes of the military leadership but also, first and foremost, the expectations of our civil society, who demand that our soldiers who serve in uniform be afforded rights equal to those provided in the civilian penal system in Canada and other militaries abroad. This is currently not the case.

We knew that. We knew that going in. I suspect that if the Liberals had listened to our speeches during second reading, and God knows we made enough of them, they would have known it at second reading when they voted in favour of the legislation and when we voted against it.

We brought forward excellent, erudite, eloquent, experienced witnesses to bring home the point that there was a problem that needs to be solved. We did not expect all of the problems to be solved by amendments to the legislation; a number of the amendments we brought forward were ruled out of order, inadmissible, beyond the scope of the bill. We knew that. We brought them forward because they had to be brought forward. These were changes that had to be made.

We are committed to making changes to overhaul some of these problems when we form government, but that does not mean we are prepared to throw out the baby with the bath water when we have legislation before us that brings forward changes that we had a great deal of responsibility for in urging on the government back in 2010 when Bill C-41 was brought in. When those amendments were there, they were passed in committee; they did not get passed in the House because the bill was never called before the election took place.

● (1355)

I am here because I have devoted several years of work trying to get to where we are today. I am not going to turn my back on that progress and say to the men and women in uniform that although we got this far, we cannot support this legislation.

I talked about a backward step. I do not know how often it will be used, but we did not get convincing reasons for the Provost Marshal's investigations to be under the control of the VCDS. We are not satisfied with that. As I said, at the committee we had some very significant testimony from witnesses on the issue of making sure that our soldiers, sailors and airmen receive the same kind of standards of justice as exist elsewhere. This aspect has to be fixed and improved.

I only have a minute before we go to statements by members, but I believe I will be able to come back for eight minutes afterward, when I will conclude. However, I wanted to explain, in brief at least, why we are supporting this legislation today and why we see some progress being made, and to make the commitment to our soldiers, sailors and airmen that when we form government, we will go the distance and do the full job.

The Acting Speaker (Mr. Barry Devolin): As mentioned, when this matter returns before the House, the hon. member for St. John's East will have eight minutes remaining in his speech.

Statements by members, the hon. member for Mississauga—Streetsville.

STATEMENTS BY MEMBERS

● (1400)

[English]

VITA CENTRE

Mr. Brad Butt (Mississauga—Streetsville, CPC): Mr. Speaker, last Friday, I had the opportunity, along with the member for Mississauga South, to visit Vita Centre, an organization dedicated to providing life-affirming community support to all pregnant and parenting women in Peel region.

Founded in 1991, the centre has a specific focus on support, education and counselling for pregnant and parenting youth. Its first support home was located at 47 Queen Street South in Streetsville. Greeted by executive director Deborah Thomson and several board members, we toured their wonderful facilities in Mississauga and engaged with clients who attend the on-site school so that they may also care for their children. The centre runs many successful programs, including growing as parents; me, my baby, our world; Peel parenting partnership; and the Vita supper connection.

Statements by Members

Mississauga and Peel region are better places because of Vita Centre. Its kind, loving and compassionate support of women, children and families is unparalleled in our community.

* * *

BANGLADESH

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, with nearly 400 dead in the rubble of a factory and hundreds more still unaccounted for, we mourn along with the people of Bangladesh. *Shobar Jonno Valobasha*. Lives have been lost for “fresh style, fresh price”, as the slogan goes. That must change.

In the backdrop to this tragedy is a Bangladesh threatened by extremism. For months, political upheaval and violence have been tearing at the fabric of the nation, threatening to pull it apart. Nearly 42 years ago, hundreds of thousands died for the liberation of Bangladesh. The wounds have not yet healed, the pain not yet subsided. I hear it in the music and poetry of those who live in my riding.

However, there is a future open to Bangladesh, one without violence and persecution, one with the rule of law and human rights protected, a secular Bangladesh that can accommodate people of different faiths peacefully. It is my hope that the war for liberation will come to an end at last, but that the Spirit of '71 will continue to guide a new generation to the country that those who died for its liberation could only dream of.

* * *

THE PRINCESS SHOP

Mrs. Kelly Block (Saskatoon—Rosetown—Biggar, CPC): Mr. Speaker, as high school students prepare for graduation, I would like to highlight the work of the Princess Shop, whose annual benefit I had the privilege of attending earlier this month. The Princess Shop was founded in Saskatoon in 2007 to create enhanced graduation experiences for female students in need and provide them with the mentorship, support and tools they need for success after finishing high school.

Today, the Princess Shop is active in many communities around Saskatoon, making sure that girls living in both urban and rural areas can have the graduation experience they have always dreamed of. As the mother of four wonderful children, I understand the important milestone that high school graduation is. It is an exciting time of celebrating the effort and accomplishments of the past 12 years, while looking to the future and all it holds.

I would like to congratulate the entire volunteer team at the Princess Shop for the vital support they provide to young princesses in our province.

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[*Translation*]

CANADIAN SPACE PROGRAM

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, today, the Bank of Canada unveiled its new \$5 and \$10 bills. The \$5 bill celebrates Canadian space robotics technology.

The bill depicts Canada's contribution to the International Space Station: the Canadarm2 robotic arm and Dextre, the two-armed robot.

[*English*]

Canadians are proud of the space technology we pioneered both at the National Research Council and in our space industry. Canada has developed many outstanding space technologies, including RADARSAT-1 launched in 1995, which made us the world leader in earth observation using radar. Today, after 18 years of operation, it appears that RADARSAT-1 may finally be calling it a day. This is extraordinary. It was designed for five years.

Please join me in paying tribute to Canada's space program, for it has surely made all of Canada proud since we became the third country in space way back in 1962.

* * *

BIRTHDAY CONGRATULATIONS

Mrs. Tilly O'Neill Gordon (Miramichi, CPC): Mr. Speaker, I rise in the House today to salute a very special lady, who today is celebrating her 100th birthday. I speak of none other than Mary Walsh, better known to all of us as Mary Roland.

Mary's family, friends, all of Escuminac, Hardwoods, Baie-Sainte-Anne, plus all other surrounding communities join in wishing her a very happy birthday. She has always been there for family, friends and community, so in addition to extending birthday wishes, I say thanks on behalf of all her friends and family. Thanks for her warm hospitality, hot cups of tea and for a table always topped with delicious food, but most of all for a table always surrounded with chats, friendship and laughter. Mary is a great lady and I trust that her day is a special one.

Happy birthday, Mary.

* * *

● (1405)

[*Translation*]

DISABLED SPORTS CHALLENGE

Mr. Tyrone Benskin (Jeanne-Le Ber, NDP): Mr. Speaker, I would like to highlight the remarkable accomplishments of AlterGo, an organization in my riding. It just welcomed more than 4,000 athletes from over 20 countries for the 30th edition of its Défi sportif, which was held in Montreal.

The objective of Défi sportif is to put on events for high-level athletes and promote the development of in-school sports for youth with disabilities. More than 10% of Montrealers have a functional limitation. Défi sportif AlterGo showcases the triumphs of athletes with all types of functional limitations and reinforces the importance of universal accessibility.

Statements by Members

On the occasion of its 30th anniversary, I would like to congratulate Défi sportif and thank all the athletes, organizations and partners and the thousands of volunteers.

Congratulations.

* * *

[English]

DR. G.W. WILLIAMS SECONDARY SCHOOL

Ms. Lois Brown (Newmarket—Aurora, CPC): Mr. Speaker, the 125th anniversary of Dr. G.W. Williams Secondary School is right around the corner. This long-standing Aurora institution is celebrating the milestone May 3 and 4.

A Williams grad myself, I still remember the amazing teachers and incredible school spirit. It began in 1888 as the Aurora High School on Church Street before moving to Wells Street in 1892.

The school moved to its current location on Dunning Avenue 60 years later and became the Aurora District High School. In 1961, it was given its present-day name, fondly known as Williams.

We watched many a football game while cheering on our team with the memorable chant, “Let’s go, double blue; double blue, go; let’s go”.

Congratulations to the Williams 125th reunion committee for its hard work in organizing this historic event. I look forward to seeing everyone this weekend at Williams.

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ROYAL CANADIAN LEGION BRANCH 96 LADIES' AUXILIARY

Mr. Gordon Brown (Leeds—Grenville, CPC): Mr. Speaker, recently I joined the Royal Canadian Legion Branch 96 Ladies' Auxiliary as it celebrated its 85th anniversary in Brockville. Established in 1928, it is one of the oldest ladies' auxiliary groups in Ontario.

The non-profit volunteer organization supports veterans and the Legion. It raises money through catering, luncheons and a Christmas bazaar, among other activities. In the past two years, it has donated about \$30,000 in money and equipment to the Brockville Legion.

At its 85th anniversary dinner, it honoured 11 members who have given more than 50 years of service each.

On behalf of the veterans they serve, I would like to recognize president Mary-Ann Greenwood and the exceptional volunteers of the Royal Canadian Legion Branch 96 Ladies' Auxiliary.

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WORLD WAR I ANNIVERSARY

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, I rise today to honour Dr. Kevin McCormick, the President and Vice-Chancellor of Huntington University in Sudbury for his great work to recognize the sacrifices made by the men and women of the Canadian Armed Forces.

Two weeks ago Dr. McCormick, an honorary lieutenant colonel of the Irish Regiment of Canada, began an 18-month journey to mark

the 100th anniversary of the start of World War I. During this time he will travel across Canada making personal donations of items of historic value to museums, military associations and units. He will also be reuniting medals and personal effects with family members.

Dr. McCormick made his first donation on April 16 to the Seaforth Highlanders of Canada in Vancouver, and he plans to make his final donation on the 100th anniversary of the start of World War I in July next year at the tomb of the unknown soldier in Ottawa.

I applaud Dr. McCormick's mission and would like to take this opportunity to thank him on behalf of all Canadians for his dedication to this worthwhile cause.

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THE NETHERLANDS

Mr. Rod Bruinooge (Winnipeg South, CPC): Mr. Speaker, today we celebrate the official birthday of Her Majesty Queen Beatrix. This year the Netherlands will bid farewell to Queen Beatrix and welcome the investiture of King Willem-Alexander. The heir will be the first king of the Netherlands since 1890.

Canada has had a strong bilateral relationship and a long-standing history of co-operation with the Netherlands. This was further evidenced by our Prime Minister's visit to Holland in May 2010.

I am one of more than one million Canadians of Dutch ancestry, and I am very proud of this heritage.

I wish to congratulate King Willem-Alexander on this special day.

I also honour Ambassador Wim Geerts for his years of dedication and service with the Embassy of the Kingdom of the Netherlands in Canada. There will be a reception this evening at Ottawa City Hall that will also serve as the ambassador's farewell reception.

On behalf of Parliament's Canada-Netherlands Friendship Group, I would like to extend best wishes to Ambassador Geerts and his family.

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● (1410)

[Translation]

THE BUDGET

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, in every jurisdiction where governments insist on imposing austerity measures, growth stagnates, jobs disappear and the population's prosperity is put at risk.

Just look at what austerity has done for Europe, the United States and even for us right here in Canada. It has led to unemployment. The latest Conservative budget will not create the jobs and growth that they had promised.

Statements by Members

Failed Conservative austerity measures have cost Canada 14,000 direct jobs this year alone. Failed austerity measures have also undermined our economic growth, which is simply not materializing. Failed austerity measures mean the government has the gall to tell future generations they will have to make do with much less than the previous generation.

In 2015, Canadians are going to elect a competent NDP government and send the Conservatives back to the opposition benches, with the Liberals.

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[English]

MENTAL HEALTH

Mr. Erin O'Toole (Durham, CPC): Mr. Speaker, this morning I was pleased to join the Minister of National Defence, Bell Canada and the True Patriot Love Foundation at the announcement of a \$1 million fund to deliver community-based mental health programming for military families.

Bell Canada's innovative Let's Talk program engages Canadians from across the country in an important discussion about mental health issues. Let's Talk helps remove the stigma associated with mental illness and allows Canadians to text or talk to help raise funds.

The Bell True Patriot Love fund is an extension of the Let's Talk program and will provide a series of grants to military family resource centres across Canada for programs related to improving access to mental health care for military families.

I am proud that Port Perry native George Cope has helped start this national dialogue on mental health issues as CEO of Bell Canada. He has also renewed Bell's century-long commitment to supporting the men and women of the Canadian Forces and their families.

I thank Bell Canada and True Patriot Love for their leadership.

* * *

PARKINSON'S DISEASE

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, Parkinson's is a chronic degenerative neurological disease affecting more than 100,000 Canadians, and April was Parkinson's Awareness Month. There are more than 400,000 family members in Canada who understand that daily life with Parkinson's affects more people than the individuals diagnosed with this incurable disease.

[Translation]

This year, Parkinson Society Canada is recognizing the efforts of caregivers and celebrating April as Parkinson's awareness month. The theme this year is "Managing Parkinson's Disease is A Family Affair".

[English]

Parkinson Society Canada has worked collaboratively with Canadian clinicians and researchers to develop the first Canadian guidelines on Parkinson's disease. I am truly impressed with the inclusive process to develop these guidelines and know that they will

be an invaluable resource to improve standards and access to care for all individuals with Parkinson's.

I encourage all members of Parliament to think about their constituents who are living with Parkinson's and the impact Parkinson's can have on their loved ones. We must do all we can to support the people living with this debilitating disease and the friends, family and health care workers who are helping them cope with its impacts.

* * *

UNIONS

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Mr. Speaker, every year hard-working unionized employees are forced to pay billions of dollars in union dues without any transparency in how that money is spent. Taxpayers are forced to accept that these billions go tax-free. Taxpayers and workers deserve accountability and transparency in that expenditure. That is why a Conservative member put forward a private member's bill to do just that. We expected the NDP members would oppose it. They of course had already been bought off with hundreds of thousands of dollars in illegal union money.

However, today we learned that unelected, unaccountable Liberal senators are siding with the NDP and union bosses to block workers and taxpayers from getting that transparency.

On this side of the House we stand in favour of workers, in favour of taxpayers, in favour of transparency. Why will Liberal senators not get onside and do the same thing?

* * *

●(1415)

THE ENVIRONMENT

Mr. Dan Harris (Scarborough Southwest, NDP): Mr. Speaker, in 1992, Canada pledged to reduce greenhouse gases in order to avoid the catastrophic impacts of climate change. After weeks of Conservatives denying the problem, we presented a motion calling for urgent action to prevent the global temperature rising 2°C.

Sadly, last night we saw the old-line parties ganging up to deny two decades of broken promises on fighting climate change. Canadians remember Eddie Goldenberg's stunning admission that the Liberal decision to sign Kyoto was nothing more than a publicity stunt. The denial of responsibility yesterday by the Liberal Party was sadly predictable.

It is also sad that the member for Saanich—Gulf Islands chose to defend the failed policies of her political allies instead of telling her friends that they did not get the job done.

New Democrats stand ready to work with anyone in this House and across the country to fulfill the 20-year-old broken promise on fighting climate change.

*Oral Questions***NEW DEMOCRATIC PARTY OF CANADA**

Mr. David Anderson (Cypress Hills—Grasslands, CPC): Mr. Speaker, for the past seven years, Canadians have placed their trust in this government. Since then, I am proud to say that we have delivered on our promises, and will continue to do so. We will continue to keep taxes low and focus on jobs, growth and long-term prosperity. We will continue to stand tall for Canadians and their families.

It is disappointing that the one clear priority of the leader of the NDP and his party is to raise taxes and implement wasteful spending. Canadians cannot afford a \$20 billion job-killing carbon tax that would raise the price of everything, including gas, groceries and electricity. Canadians cannot afford \$56 billion in wasteful spending. Canadians cannot afford the risky policies of the NDP.

On this side of the House, we will continue to fight for Canadians and against the NDP's \$20 billion carbon tax and \$56 billion wasteful spending schemes.

ORAL QUESTIONS

[English]

EMPLOYMENT

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, yesterday afternoon at 2:16 p.m., the Minister of Immigration stood in the House and denied the existence of the 15% rule that would allow temporary foreign workers to be paid less than Canadian workers.

Interestingly, at 4:06 p.m., the Prime Minister sent the same Minister of Immigration to announce at a press conference that he was eliminating the very 15% rule that just 110 minutes earlier did not exist.

How can the Prime Minister allow the Minister of Immigration to so flagrantly mislead the House? Is there nothing the Prime Minister thinks he cannot get away with?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, that question is preposterous. The reality is that there is a large demand for temporary foreign workers. That is one of the reasons we continue to get these letters from NDP MPs demanding temporary foreign workers for their ridings.

At the same time, it is important that we ensure the objectives of the program are fully respected, and that is to put the priorities of Canadian workers first and the Canadian economy. The reforms we are introducing will do precisely that. I hope this time they will have the support of the New Democratic Party.

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EMPLOYMENT INSURANCE

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, no NDP MP has ever asked for a single Canadian job to be displaced and he knows it.

Today, all four premiers in Atlantic Canada, including two Conservatives, are speaking out against the Prime Minister's cuts to EI. They are asking the Prime Minister to halt these cuts until their

impact can be properly studied. Unlike the Prime Minister, these premiers understand the impact that slashing EI will have on workers and on their regional economy.

Will the Prime Minister listen to the premiers in Atlantic Canada, or does he still believe they are promoting a culture of defeat?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the fact is that many NDP MPs have written to the government asking for temporary foreign workers for their ridings, even in areas of high unemployment, which is obviously one of the reasons why we brought in reforms to this program.

In terms of Employment insurance, the government has been very clear. Employment insurance exists to protect Canadian workers who find themselves without a job through no fault of their own.

We are fully committed to ensuring that system is there and it is strong for Canadian workers.

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● (1420)

GOVERNMENT EXPENDITURES

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, today's Auditor General's report is another scathing indictment of Conservative mismanagement.

Conservatives have actually lost track of, wait for it, \$3.1 billion. The Treasury Board could not provide the Auditor General with even the most basic record to verify this spending.

We all remember when the Liberals could not account for \$1 billion in spending at HRSDC. Conservatives called it a \$1 billion boondoggle.

Will the Prime Minister hold his Minister of Public Safety accountable for this \$3 billion boondoggle?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the premise of that question is completely false. The Auditor General himself said today that this had nothing to do with improper use of government money.

On the contrary, it has to do with the categorization and reporting of expenses between departments over the period 2001 to 2009. There is some lack of clarity. The Auditor General has made some suggestions on how we can be more clear in our tracking in the future. We will do that.

However, unlike the NDP, we remain fully committed to the legislation and to expenditures to protect Canadians from terrorism.

Oral Questions

[Translation]

CANADA REVENUE AGENCY

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, today the Auditor General revealed that Conservative ministers turned a blind eye to \$29 billion hidden in tax havens.

The Canada Revenue Agency came up with a plan five years ago, but the Conservatives have done nothing since then. Instead, they have cut the agency's budget. Who will end up covering that \$29 billion? Not the tax cheats, but Canadian families.

Why has the Prime Minister allowed his Minister of National Revenue to turn a blind eye to tax evasion in Canada?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, on the contrary, the Auditor General recognized that the Canada Revenue Agency improved its ability to detect, target and collect unpaid taxes. That increase is due to the fact that the agency is collecting more taxes on behalf of the provinces.

In this budget, we have introduced many measures to close tax havens. I hope that, this time, the NDP will help us do just that.

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ABORIGINAL AFFAIRS

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, in 2008, the Prime Minister promised to renew the nation-to-nation relationship with aboriginal peoples.

Five years after the residential schools apology, the Conservatives are not taking this and many other matters seriously.

A number of departments are still refusing to provide the Truth and Reconciliation Commission with important documents related to the residential schools.

Today, the Auditor General strongly condemned this lack of cooperation. The commission's mandate will come to an end in 15 months.

Will the Prime Minister commit today, here in the House, to immediately hand over these documents?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, in 2008, I made a historic apology concerning residential schools on behalf of all Canadians.

To date, federal departments have handed over more than 3.5 million documents to the commission. The process is ongoing and the government will continue to give documents to the commission.

* * *

THE BUDGET

Mr. Justin Trudeau (Papineau, Lib.): Mr. Speaker, the week is off to a bad start for the government.

The Auditor General's report not only mentions a mysterious sum of \$3 billion, but it also shines a light on the government's poor management of search and rescue operations. The four Atlantic premiers have asked the government to suspend changes to employment insurance. What is more, this government continues to refuse to scrap its new tax on the middle class, saying that the

tariff will be paid by Chinese companies and not Canadian consumers. Not one economist seems to agree.

Where is the study to back up this questionable prediction?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, this government has repeatedly reduced tariffs for Canadian consumers. At the same time, we have eliminated special tariff reductions for Chinese companies. The Liberal Party is against lower tariffs for consumers, but is in favour of special measures for Chinese companies. That policy does not make a lot of sense.

[English]

Mr. Justin Trudeau (Papineau, Lib.): Mr. Speaker, following the line of reasoning of the government, if low tariffs are a form of international development assistance, then the largest recipient of Canadian foreign aid is actually the United States of America. It makes no sense.

We Liberals know that stalled middle-class incomes are the defining issue facing Canadians today. Is the government satisfied with the low level of growth in median household income in Canada? If not, why did it make no reference to this crucial challenge in its latest budget?

● (1425)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I am not sure the leader of the Liberal Party understands the issue of tariffs.

Let me be clear. The position of the government has been that we have progressively reduced a wide range of tariffs for all Canadians. Canadians have benefited from that to the tune of over half a billion dollars a year.

At the same time, we do not think it is appropriate to have special tariff reductions only for companies from countries like China. The Liberal Party apparently thinks that is appropriate. That is the wrong policy.

The right policy is lower tariffs for Canadians and to ensure that Chinese companies pay their fair share.

* * *

THE ECONOMY

Mr. Justin Trudeau (Papineau, Lib.): Mr. Speaker, it is disappointing that not only does the government have no plan to help the middle class, it does not seem to believe the middle class needs help.

Over the last 30 years, while our economy has more than doubled in size, median household income has only risen 13%. Middle-class Canadians have not had a real raise in more than a generation.

How can the government fail to see this is a problem?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, there is no country in the world better to live in right now and better to be middle class. The reason for that is because we are keeping taxes low for Canadian families, because we are making investments to the Canadian economy that matter, because we are keeping our debts low and keeping our banks strong, and day after day we are not listening to the ideas of the Liberal Party instead doing good things for the Canadian economy.

Oral Questions

[Translation]

SEARCH AND RESCUE

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, following on the heels of the Commissioner of Official Languages, the Auditor General is confirming that there are not enough bilingual search and rescue employees.

Yet the Conservatives are determined to close the Quebec City marine rescue sub-centre even as the Auditor General is saying that we have reached a breaking point, because the Conservatives have no plan or policy in place for search and rescue.

We have oceans on three sides of our country. We have millions of lakes and rivers. We have mountains. When will the Conservatives get serious about helping Canadians in distress?

[English]

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, I note that what the Auditor General did find was that the system is working. He deemed it adequate; albeit, there is room for improvement. We are committed to that improvement.

The Auditor General also noted that we have in fact, in recent years, increased the number of rescue staff and vessels.

While doing so, I also note that the member and her party continually opposed the investment that we have made in the Canadian Armed Forces.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, the minister either does not understand the Auditor General's report or is just being wilful.

The Auditor General's report clearly lays out the government's incompetence on search and rescue. There is still no national policy, there is a serious personnel shortage, the information system is "near the breaking point", and the Conservatives' failure to replace the aging aircraft is dangerous.

Canadians need world-class search and rescue. Instead, Conservatives are offering world-class mismanagement.

Is anyone over there ready to apologize for the mishandling of this vital service?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, we thank the Auditor General for his work. I note, again, the trumped-up rhetoric from the member opposite. He overlooks the fact that the Auditor General said that search and rescue is working. Search and rescue is in fact an area in which we have made significant investments.

I note, as others have, that Canada is the most challenging country on the planet when it comes to search and rescue operations. It includes 18 million square kilometres of sparsely settled, austere terrain, the largest coastline in the world and the most extreme weather conditions and, yet, our SAR Techs continue to get the job done.

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ABORIGINAL AFFAIRS

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, unfortunately, the Conservatives have mismanaged the truth and

reconciliation process as well. The Auditor General reports that establishing the history of residential schools is a crucial part of achieving final agreements with survivors and allowing the Truth and Reconciliation Commission to do its work. However, fighting between departments has delayed this happening.

Conservatives must accept that this work is necessary to finally deal with this tragic chapter in our history. What is the minister doing to end the internal fighting before time runs out?

● (1430)

Hon. Bernard Valcourt (Minister of Aboriginal Affairs and Northern Development, CPC): Mr. Speaker, as indicated earlier, our government is committed to a fair and lasting resolution to the legacy of Indian residential schools. That is why the Prime Minister made this historic apology in 2008, referred to earlier, and why we have, so far, delivered to the commission over 3.5 million documents to achieve the very objective that she mentioned.

This is an ongoing process. We are committed to continue working with the commission.

[Translation]

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP): Mr. Speaker, I think the commission's mandate is too important to be ignored by the Conservatives.

Yet that is what the Auditor General says in his report. Thousands of children lost their lives in those residential schools. My brother was one of them.

To work on reconciliation together, we must stop politicizing such a delicate process. We have 15 months left.

Can the minister rise today and make a solemn commitment to hand over all the documents the commission requires?

Hon. Bernard Valcourt (Minister of Aboriginal Affairs and Northern Development, CPC): Mr. Speaker, he is talking about politicizing the issue, but that is exactly what he is doing by ignoring the facts.

The fact is that the Canadian government's commitment is clearly reflected in the Indian residential schools settlement agreement. As I indicated earlier, we have already handed over more than 3,500,000 documents to the commission, and there will be more to come.

I personally met with the commissioners last week in Montreal. I assured them of our support. We will continue to work on meeting Canada's obligations under that agreement.

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EMPLOYMENT INSURANCE

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, moving on to another topic, the four Atlantic premiers have decided to do what the federal government refuses to do with EI reform.

Oral Questions

Provincial NDP, Liberal and Conservative governments have joined forces to do the consultations and impact studies that this government did not do.

They are calling for a moratorium until these studies are complete. The minister has spent more time ignoring the Atlantic provinces than listening to them.

What will she do now?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, we want to ensure that employment insurance is there for the people who paid into it, who are without work and who need the support.

As a government, our priorities are jobs, economic growth and long-term prosperity. The cornerstone of our plan is skills development and job creation, through measures such as the job grant.

[English]

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, we have heard all the excuses before, but the real Conservative record is one of failing to protect Canadian jobs.

The government has made a mess of EI and even timed the changes to specifically target Atlantic seasonal industries. All Atlantic premiers, two of whom are Conservatives, are demanding a halt to the changes because they “impede our economic growth”.

Why will the government not shelve its reckless changes and instead work with the premiers on a plan that actually creates jobs?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, we want to ensure that EI is there for people who paid into the system, who are without work and who need the support.

Our government's top priority is jobs, growth and long-term prosperity. Frankly, the cornerstone of economic action 2013 is skills training and job creation through measures like the Canada job grant.

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EMPLOYMENT

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, the unemployed get targeted, while Canadian jobs go unprotected. The government has its priorities completely backward.

Conservative changes to the temporary foreign worker program have thrown the doors wide open to the displacement of Canadian jobs. After being vilified in the media, the Conservatives announced that they were rolling back some of the changes they made that weakened the program.

When will they fix the labour market information that has led to the inaccurate labour market opinions and when will they finally allow an independent investigation of the temporary foreign worker program?

•(1435)

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, the opposition continues to ask for more temporary foreign workers, while providing no solutions as to how to create jobs for Canadians first.

By contrast, our government is taking balanced, decisive action for Canadian workers by reforming the temporary foreign worker program and making sure that it operates in the best interests of Canadian workers.

[Translation]

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, when he is in the House, the minister does not understand what is going on, and when he leaves the House, he says he will cut something that never even existed.

The proposed changes will not solve the systemic problems with the temporary foreign worker program. At best, these changes will respond to the most recent crisis created by the Conservatives when they relaxed the program rules last year.

Will the minister admit to his mistake and launch an independent investigation into the program?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, NDP members continue to ask for more foreign workers in their own ridings, while providing no solutions to create jobs for Canadians. There will certainly be reforms to the temporary foreign worker program, but any reforms will be in the best interests of Canadians.

[English]

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Mr. Speaker, not only have the Conservatives mismanaged the temporary foreign worker program, there are also serious concerns with the intra-company transfer program, a program that does not even require employers to prove that no qualified Canadian is available.

The U.S. and Britain have been cracking down on abuse of their foreign worker programs, but yesterday the Minister of Immigration just shrugged off concerns. I ask him again, will he protect jobs for Canadians and investigate problems with these intra-company transfers?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, as the changes announced yesterday underscore, we are taking measures to ensure that Canadians always get the first available opportunity for jobs.

We are living in an increasingly globalized economy. If a Canadian auto parts manufacturer has someone with specific skills in the United States it needs on an emergency basis to fix that equipment, we are not going to delay the manufacturer for months with paperwork. This works reciprocally. There are tens of thousands of Canadians who work abroad on intra-company transfers.

We want to make sure the program rules are respected. If there are abuses, we will certainly investigate those and crack down on them.

Oral Questions

[Translation]

TAXATION

Ms. Lise St-Denis (Saint-Maurice—Champlain, Lib.): Mr. Speaker, the steady increase in taxes on credit unions has destroyed attempts to stimulate the economy in the regions.

In Quebec, financial co-operatives such as Desjardins are vital to the economy and middle-class families. Phasing out the supplementary deduction by 2017 will result in an estimated loss of \$80 million.

How does the minister plan to make up for this drain on capital in the regions?

[English]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, credit unions still have access to the lower small business tax rate. That has not changed.

In fact, Quebec eliminated a comparable subsidy in 2003, also recognizing that it was no longer fair under the current system. This is a tax benefit that was designed for small credit unions. It was not designed for large credit unions that now rival our banks.

* * *

EMPLOYMENT INSURANCE

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, yesterday was an embarrassing day for the Minister of Human Resources and Skills Development. Not only did she have to reverse the changes to the temporary foreign worker program that she put in just a year prior, but then four more provincial premiers lined up against the changes that are being made to the EI program.

She said that she has consulted. I think it is more like she has insulted. She has insulted seasonal workers. She has insulted business owners in seasonal industries. She has insulted municipal leaders who know the impact that these changes are going to have on their communities. Why does she not start consulting?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, we want to make sure that EI is there for people when they need it, when they have lost their job through no fault of their own. In fact, our top priority is the creation of jobs and economic growth that leads to long-term prosperity. The cornerstone of economic action plan 2013 is the creation of jobs and offering training through programs like the new Canada job grant.

If the hon. member truly wants to support Canadian workers, he and his party should support the budget.

* * *

• (1440)

TAXATION

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, the federal budget adds GST to certain health care services. For example, Canadian victims of crime must now pay GST on x-rays and lab work required to establish their case in court. Can the minister confirm if this new tax will also apply to medical lab work for couples struggling with fertility issues?

Is there nothing off limits from Conservative tax hikes on struggling middle-class families?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, we need to draw a distinction between health care services, health care treatment and medical legal expenses. The member opposite is talking about medical legal expenses, and issues of that type, and not about treatment for people in Canada.

* * *

EMPLOYMENT

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, Conservatives have once again tabled a budget that actually harms Canadians.

The Parliamentary Budget Officer reported yesterday that budget 2013 weakens Canada's GDP and cuts Canadian jobs. Now, omnibus 3.0 pushes ahead with tax hikes on credit unions and small businesses, and further reduces scrutiny on foreign takeovers.

Why are Conservatives pushing ahead with their job-killing agenda that harms Canadian families and businesses?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I thank the member opposite for her question about the economy. I am pleased to report that Statistics Canada today announced that Canada's economy grew by 0.3% in January and February, surpassing analysts' expectations.

We have the soundest banks in the world. We have the best growth in the G7. We have the best credit rating in the world. It is the best place to live in the world.

* * *

[Translation]

LABOUR

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, oddly, the Parliamentary Budget Officer said that budget 2013 would result in the loss of 14,000 jobs for Canadians, not temporary jobs for foreign workers.

Not only does omnibus bill 3.0 contain tax hikes, but it also gives excessive power to Treasury Board, allowing it to interfere in the negotiation of collective agreements. Treasury Board will also be able to impose hiring conditions on new employees of crown corporations, whether or not they are unionized.

Why are the Conservatives attacking free bargaining? Why are they meddling in the affairs of crown corporations?

*Oral Questions**[English]*

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, the budget and the Budget Implementation Act are quite clear in that part of our role is to improve the financial viability of crown corporations, including their compensation levels. We said that because we are on the side of the taxpayer. We want to make sure that crown corporations, like other government agencies, actually respect the taxpayer, and that includes within collective bargaining.

We know that we are on the side of the taxpayer, but which side are they on?

* * *

PRIVACY

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, we are on the side of taxpayers. We are on the side of freedom of negotiation, and we are on the side of good public services.

[Translation]

Speaking of unacceptable, the Privacy Commissioner made very clear recommendations in order to protect the privacy of Canadians.

If the Conservatives were really serious about this issue, they would have implemented these recommendations a long time ago.

The Minister said that he was in the process of preparing for a meeting. Someone stop him. While he is wasting his time, Canadians' privacy is being breached every 48 hours.

When will he take this seriously? When will he protect people?

[English]

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, unlike the other side, which is interested in an ideological argument, we actually care what the Privacy Commissioner actually says and what her recommendations are. We want to meet with her and in that space have a discussion on how we can improve privacy legislation, because we care about citizens and their right to privacy. That is evidenced by the veterans' privacy action plan, mandatory reporting of breaches to the Privacy Commissioner and new guidelines to help stop breaches.

Our record is quite clear and quite positive, but we know we can improve it as well.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, this government seems to think that losing the privacy data of one million Canadian seniors and students is an ideological debate. The New Democrats say it has to do with bad management.

Now, 99.9% of the breaches happened under the government's watch. We are talking about its mismanagement of personal data. It is not good enough that the minister says he is now going to meet with the Privacy Commissioner. He should have been meeting with the Privacy Commissioner when the breaches happened.

Getting caught is not an action plan. Where is his commitment to the million-plus Canadians who had their data lost, stolen or hacked? What happened to the plan?

● (1445)

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, indeed I have met with the Privacy Commissioner in the past, and I am looking forward to our upcoming meeting as well. We always get valuable insights when we have such gatherings. There is no question about it.

There is no question, as well, that privacy breaches are concerning to this side of the House, and we are acting forthrightly in having these consultations and then getting a view to a plan of action that will help prevent it, just as we had a plan of action for veterans and we had a plan of action to make sure that these breaches were mandatorily reported to the Privacy Commissioner. We know which side we are on, and we are acting accordingly.

* * *

ETHICS

Mr. Brad Butt (Mississauga—Streetsville, CPC): Mr. Speaker, when reports first broke of inappropriate spending on travel and hospitality at the Old Port of Montreal, our government asked the Auditor General to investigate. When the matter was later studied at the ethics committee, the Liberal member for Bourassa, like the leader of the NDP often does, began making up wild conspiracy theories. He said, "My impression is that Ms. Benoit is the victim of a smear campaign...".

Can the Minister of Public Works please provide this House with an update and the facts on this matter?

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, it is true that while the Liberals defended unacceptable spending at this independent crown corporation, we did call in the Auditor General to do a special investigation. Today the Auditor General agreed with us that there were problems with hospitality and travel expenses at the Old Port of Montreal and reaffirmed that we did the right thing by placing the Old Port of Montreal under new management with Canada Lands.

While the Liberals defend waste and unacceptable spending, our government is ensuring that tax dollars will be protected.

* * *

*[Translation]***HEALTH**

Mrs. Djaouida Sellah (Saint-Bruno—Saint-Hubert, NDP): Mr. Speaker, we learned yesterday that Marchese Hospital Solutions, one of the companies accused of supplying diluted chemotherapy drugs, approached Health Canada in 2011 to inquire about the federal regulatory framework and to ensure it was following the rules. However, Health Canada told the company that that was outside its jurisdiction.

Oral Questions

Health Canada knew what was going on.

Why did the minister not do what had to be done from the start to prevent this crisis?

[English]

Hon. Leona Aglukkaq (Minister of Health, Minister of the Canadian Northern Economic Development Agency and Minister for the Arctic Council, CPC): Mr. Speaker, a provincial committee is examining the jurisdictional question surrounding the drug service provider. Marchese has never applied for federal regulatory approval. We have proposed an interim solution to ensure that all drug service providers fall within federal or provincial regulations, and we plan to work closely with the provincial and territorial governments to address this.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, we just hear more and more excuses. The fact is that drug safety is a federal responsibility. This negligence puts Canadians' health in jeopardy. Let us be clear. One of the companies that supplied diluted cancer drugs did approach Health Canada. Their response: We're not responsible.

This means there is no oversight. Who knows how many other companies are operating like this in Canada? Does the minister even know? When will the Conservatives finally bring in comprehensive drug safety measures for Canadians?

Hon. Leona Aglukkaq (Minister of Health, Minister of the Canadian Northern Economic Development Agency and Minister for the Arctic Council, CPC): Mr. Speaker, the federal government proposed an interim solution while the provincial government is examining the jurisdictional question surrounding the drug service providers. Marchese has never applied for federal regulatory approval.

We have put forward an interim solution while the committee is examining the jurisdictional issues. We plan on working closely with the provincial and territorial governments to ensure that this matter is addressed.

* * *

THE ENVIRONMENT

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, not only are they denying responsibility, but they deny science.

We do know what kind of science Conservatives believe in: pseudo-science. When the member for Yukon was asked by a constituent for polar bear information, he gave them a report penned by a trio of climate change deniers. He even called evidence from Environment Canada scientists government propaganda.

When will the government stop misinforming the public, stop attacking science and start making fact-based decisions?

• (1450)

Hon. Peter Kent (Minister of the Environment, CPC): Mr. Speaker, no government in Canadian history has done more than our government to promote the values and traditions of the Arctic and Arctic communities. The same goes for the member for Yukon. Whether it is his defence of the humane seal hunt or whether it is his efforts to protect the Inuit's sustainable management of the polar bear, the people of the Yukon can depend on the member for Yukon.

Together with other range states, Canada has been taking great strides in recent years in coordinating action on polar bear conservation.

[Translation]

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, the hon. member for Yukon should simply apologize and set the record straight.

The scientists that the member for Yukon cited are an economist, an astronomer and a marketing expert. They are not exactly what I would call experts on polar bears. Not only is he basing his misleading arguments on information from climate change deniers, but he also insulted Environment Canada scientists when he was asked to justify his claims.

Why is the member spewing this misleading, American-style propaganda rather than basing his arguments on the opinions of Environment Canada scientists?

[English]

Hon. Peter Kent (Minister of the Environment, CPC): Mr. Speaker, let us talk about what the NDP denies. They deny the sustainable seal hunt. They deny the management of the polar bear and the legitimacy of the Inuit annual quota hunt. They deny development in the north. They deny resource development in the north. They wander abroad to lobby against Canadian jobs, Canadian interests and responsible resource development.

Polar bears in Canada are well managed under a robust and responsive management system, and it is home to two-thirds, I am proud to say, of the world's population.

* * *

SEARCH AND RESCUE

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, the Auditor General's report spells out the significant challenges facing Canada's search and rescue. It is painfully clear why the Conservative government refused to call a public inquiry into the tragic death of 14-year-old Burton Winters, despite repeated requests. Given the Auditor General's report, it is also painfully clear why the Minister of National Defence should not use search and rescue as a limousine service from a fishing camp.

Will the government finally deliver the significant improvements, as demanded by the Auditor General, in order to protect Canadians?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, the Auditor General, of course, did point out the need for improvement but also noted the adequacy of search and rescue.

Oral Questions

We have to do more. We have to obviously continue to invest in certain areas, but there are areas in which our SAR techs continue to perform brilliantly. We have seen search and rescue coordinators and crews strive to respond as quickly as possible in every incident, in the largest search and rescue territory in the world. With massive coastlines and weather systems, these folks do incredible work in Canada.

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, the Auditor General dropped a bombshell this morning concerning the government's proprietary search and rescue mission management software. In 2009, Canada's vital search and rescue software was corrupted and faces repeated risk of failure after being critically damaged. The system can no longer support daily operations, according to the Auditor General, and is "near the breaking point".

Free smart phone apps are now the tool that plan search and rescue missions. This was never revealed to the public until this morning. Has mission software failure in 2009 contributed to subsequent deaths in the offshore, and did it impact the response to the Burton Winters tragedy?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, indeed, the tragedy of Burton Winters is something we all remember. Our thoughts and prayers are with his family, but let us not lose sight of the efforts that are being made, that are being undertaken. We agree with the Auditor General that the search and rescue mission management system is in need of replacement expeditiously, and work is currently under way to do so. In fact, we are working jointly with the Department of Fisheries and Oceans and the Canadian Coast Guard to manage information related to search and rescue. In the meantime, we are working as well with DFO to provide better technical support to the existing system to effectively support search and rescue nationally.

* * *

• (1455)

[Translation]

EMPLOYMENT

Ms. Isabelle Morin (Notre-Dame-de-Grâce—Lachine, NDP): Mr. Speaker, in her recent report, the Parliamentary Budget Officer estimated that the federal budget would result in the loss of 14,000 jobs and would lower our GDP.

Combined with record debt levels, the Conservatives' new restrictions on access to social services paint a bleak picture for the future of Canadian youth.

The measures the minister keeps going on about are a dismal failure. Youth are increasingly feeling the pinch of the economic crisis, and with this budget, there is no end in sight.

When will the minister come up with a youth employment plan instead of advertising and propaganda?

[English]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, let us be clear about what the Parliamentary Budget Officer actually said. The Parliamentary Budget Officer found that the measures in the budget, that is economic action plan 2013, will, and I quote, "have a net positive impact on the level of real GDP and

employment in 2013". That is, in fact, what the report says. I do not know what information the member opposite is referring to.

Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP): Mr. Speaker, the crisis of youth unemployment is knocking on the front door, but that minister is ignoring the problem. No one is home. The fact is, youth unemployment in Toronto and Hamilton is double the national average. In Oshawa, it is 19%. In London, it is 20%. In Windsor, it stands at 25%. In Peterborough, youth unemployment is now at a staggering 29%.

When will the Conservatives come forward with a real plan to get Canada's youth working again?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, we have been doing just that, particularly in budget 2013, where there are measures to provide thousands more internships to help young people who have graduated but are having problems finding work. There is the Canada job grant to help young people who are in the market already train for new jobs and get the skills they need for the jobs that are in demand.

There are a number of other measures. The NDP should take a break from the past, when it voted against every initiative to help young people, and support this budget that would do exactly what they are asking be done.

* * *

INTERNATIONAL CO-OPERATION

Mr. Patrick Brown (Barrie, CPC): Mr. Speaker, Canada continues to be a world leader in global health, especially in the fight against polio. Last week, at the global vaccine summit, the Minister of International Cooperation announced Canada's continued commitment to polio eradication.

Bill Gates said, "Canada's increased support over the next six years will help ensure we can end polio and build the infrastructure needed to help all children live healthy and productive lives".

Could the Minister of International Cooperation please update the House on Canada's latest efforts to eradicate polio?

Hon. Julian Fantino (Minister of International Cooperation, CPC): Mr. Speaker, today we celebrated a final tally of \$2.2 million raised by the Canadian Rotarians in support of global efforts to eradicate polio. The government and the Bill and Melinda Gates Foundation will match this initiative dollar for dollar. We also call on religious, government and community leaders to continue to promote scientific information and to condemn the violence against immunization workers.

One thing is certain. Canada remains a leader in the effort to make polio history.

*Oral Questions***NATIONAL DEFENCE**

Mr. Scott Andrews (Avalon, Lib.): Mr. Speaker, the Conservative government continues its attack on some of the most vulnerable in our society. It has gone after our seniors, the unemployed and our veterans. Now it continues its direct attacks on another youth service, the Air Cadet gliding program.

Will the minister commit here today to the 320 cadets who receive their pilot's licence each year that gliders will be available and that the government will continue to financially support this important cadet youth program?

Hon. Peter MacKay (Minister of National Defence, CPC): Yes, Mr. Speaker, I will. In fact, there are no cuts to the glider program. In fact, what we have, apparently, is a review being done within the department, which I have not seen, to improve the experience of flying for cadets. I repeat: no reductions are planned. There are no reductions in place.

I maintain, and I think all members would maintain, that this is the best youth development program we have in Canada today. It produces some of our best leaders. It promotes good citizenship, community service and physical fitness among all young Canadians. The cadet program is here to stay under this government.

* * *

• (1500)

[Translation]

HEALTH

Mr. Raymond Côté (Beauport—Limoilou, NDP): Mr. Speaker, last Friday, the regional public health director for the Quebec City area confirmed that the high concentrations of nickel dust are having an adverse effect on the health of up to 20% of Limoilou residents.

For two weeks now, the Minister of Transport, Infrastructure and Communities has been saying that I am just trying to scare people. Is the public health department also just trying to scare people?

The minister is responsible for the Port of Québec, whether he likes it or not. What is his plan to solve this problem?

Mr. Minister, it is time to smarten up. Is that clear enough?

[English]

The Speaker: I would remind members again that they have to address comments through the Chair and not directly at their colleagues.

The hon. Minister of Transport, Infrastructure and Communities.

[Translation]

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities, Minister of the Economic Development Agency of Canada for the Regions of Quebec, Minister of Intergovernmental Affairs and President of the Queen's Privy Council for Canada, CPC): Mr. Speaker, from the very beginning, even well before this issue became public, the Quebec Port Authority and its users were involved in all of the committees, studies and research.

As with all the ports across the country, we appointed competent people to run the Port of Québec. These ports are not being managed

from Ottawa. The people on location in the community are managing these ports.

Is the hon. member saying that the CEO, Mario Girard, is not doing his job properly, when he is widely recognized as a good administrator?

Is he saying that Éric Dupont, the chairman of the board of directors, who is known worldwide as a great administrator, is not doing his job?

What is it that he does not understand? I do not know.

* * *

[English]

THE ENVIRONMENT

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, development of our natural resources is very important for creating jobs, for adding to our economy and for providing money for health care, education and other social programs,

Opposition parties criticizing the government for not paying enough attention to protecting the environment as major projects like mines and pipelines are being developed are slowing this development, thus killing jobs and reducing funding for social programs.

I would ask the Minister of Natural Resources for evidence that the government is in fact protecting the environment in the development of these major natural resource projects.

Mr. David Anderson (Parliamentary Secretary to the Minister of Natural Resources and for the Canadian Wheat Board, CPC): Mr. Speaker, the National Energy Board in Canada is a strong, independent regulator. It is a world-class regulator that ensures pipeline safety.

Our government has taken action to prevent pipeline accidents and to prove our ability to respond to any incidents that do occur. For example, we have increased the number of inspections of federally regulated pipelines by 50%. We have doubled the amount of annual audits. We have put forward new fines for companies that break Canada's rigorous new environmental protections.

We are there for Canadian communities. We will protect the environment and develop the economy at the same time.

* * *

[Translation]

EMPLOYMENT INSURANCE

Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP): Mr. Speaker, Service Canada threatened to take away employment insurance benefits from a woman in my riding if she did not attend a training session in Saint-Jérôme, which is a 30-minute drive from her home in Lachute. The problem is that she does not have a car.

Why is it so hard for the Conservatives to understand that it is not that this woman does not want to find a job, but that their reform does not reflect the reality of workers?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, the system is there to provide financial assistance to people who have lost their job.

However, at times, Service Canada partners with a province to provide training to help people prepare for a new job.

These people can always work with Service Canada and Service Canada always wants to work with Canadians to prepare them for the jobs of tomorrow.

* * *

ETHICS

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, after the political and legal double-dealing involved in repatriating the Constitution, now we have a political organizer telling the Charbonneau commission that, during the 1995 referendum campaign, the "no" side received thousands of dollars in illegal funding—thousands of dollars that were used to get around Quebec's public consultations legislation and to make undeclared expenditures. Even excluding the love-in involving Ottawa, the report commissioned by Quebec's chief electoral officer mentions more than half a million dollars in unexplained funding.

Will the Prime Minister tell us here in the House where the hundreds of thousands of dollars came from to pay for the love-in?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, we can see by their attitude that the members of the Bloc Québécois are trying to talk about whatever they can in order to boost their sovereigntist agenda and talk about a referendum. However, Quebecers do not want to hear any talk of a referendum. They are tired of hearing about it.

On our side, we want to pursue our mandate of economic growth and long-term prosperity. This is what Quebecers want to hear about. I can assure them that that is what we will keep focusing on.

GOVERNMENT ORDERS

• (1505)

[English]

WAYS AND MEANS

MOTION NO. 21

Hon. Ted Menzies (Minister of State (Finance), CPC) moved that a ways and means motion to amend the Canada-Newfoundland Atlantic Accord Implementation Act, the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act and the Excise Tax Act, be concurred in.

The Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

Privilege

PRIVILEGE

UNWANTED EMAILS

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I rise today on a question of privilege pursuant to section 48(1) of the Standing Orders.

I am sure you, Mr. Speaker, as do many of my colleagues, receive numerous email correspondences through our personal email as an invitation, a spam, if you will, across all accounts for a showing of an anti-choice film being hosted by the member for Saskatoon—Wanuskewin later this evening. This is important to all considerations of members of Parliament because the reason we have these personal email accounts that go to our BlackBerrys is to avoid such spamming and allow our staff to filter out the noise from the things we actually need to address. I believe there are many findings in O'Brien and Bosc and previous speakers. I will quote from O'Brien and Bosc, page 108, which states:

—Members have regularly brought to the attention of the House instances which they believed were attempts to obstruct, impede, interfere, intimidate or molest them, their staffs or individuals who had some business with them or the House.

We can have a worrisome trend in this place where MPs start spamming all other members of Parliament with unwanted, unsolicited emails. Particularly when it is such a sensitive subject as a woman's right to choose, I find the use of our personal accounts by the member as raising a question of privilege. These accounts exist for a reason, and the abuse of these accounts by the member is something that should be of concern to all sides in this place.

I believe this constitutes a prima facie breach of privilege and I will be prepared to move the appropriate motion if you rule in my favour, Mr. Speaker.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): Mr. Speaker, I thank the hon. House leader for bringing this to the attention of the House, but he had already brought it to my attention earlier and I thought we had an understanding of how we could address it going forward. If any member on this side of the House and any party on the opposite side of the House had an issue with something going to their account, as was the case with about eight NDP members here, they received a response from my office that it would be respectfully removed and that the personal account would be removed from our listing. That is how it should be dealt with, unless the New Democrats have the notion that they want to control all media and forms of communication. I do not think we want to go there. They can simply delete it. I often get articles and solicitations from the members opposite, specifically the NDP, and on occasion I agree with them, asking me to support their private members' bills. I expect I will through the end of time be in receipt of those.

It is free communication with members, and if they respectfully indicate they want to be off of certain lists or not receive information, members will do exactly that. I find it bizarre that the member would even bring it to this place today. I guess that is the NDP idea of shutting down communication in this place.

Government Orders

Mr. Nathan Cullen: Mr. Speaker, I communicated with my friend's office and asked it to stand down. I also asked it to stop spamming other members of Parliament. In fact, when members of our party asked his office to stop emailing, he continued to do it. The recourse that he has suggested is some sort of negative billing option for spam, that there first has to be some sort of problem with someone using the personal accounts of all MPs. It should concern all MPs in this place if this is the trend that MPs wish to pursue, to send unwanted, unsolicited and in some cases very offensive emails to our personal accounts. The Conservative Party is advocating for that. To say otherwise it is just censorship is beneath contempt.

The member knows that a number of NDP MPs asked to be removed from this and his office continued to send these emails. The recourse that he has offered was not in fact done. This cannot go on. This is a worrisome trend. I have talked to the hon. House leader across the way and expressed our concerns. I say in all good faith and for the decency of members of Parliament to do their work that this should no longer go on.

• (1510)

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I am feeling a bit of *déjà vu*. I remember there were some points of order raised some time ago by members on this side who were concerned about members on that side filling up their email boxes and shutting down the operations of their offices with the volume of emails they were directing. There were issues of this type.

I will say this: I do find it a bit ironic that the folks who were championing the freedom of speech of members of Parliament only days ago are now seeking to muzzle it.

That said, I often receive invitations to events from members of all parties. I think it is a welcome occurrence, and it encourages collegiality among all members of Parliament to be allowed to communicate with each other and invite each other to events on issues, policies, questions and causes in which we have an interest. The legitimate concern over receiving communications we do not want can be resolved in a practical fashion. It does not need to be precipitous.

What the member for Saskatoon—Wanuskewin has laid out is a practical approach: if a member indicates that he or she does not want to receive communications from a particular member again in the future or on a particular subject, the member will then respect that wish. That kind of ordinary, practical arrangement between individual members of Parliament is the appropriate way to resolve this issue and allow communications to continue, while at the same time dealing with sensitivities or concerns that individual members of Parliament may have.

The Speaker: I will certainly look into the matter to see if a resolution is possible and come back to the House if necessary.

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STRENGTHENING MILITARY JUSTICE IN THE DEFENCE OF CANADA ACT

The House resumed consideration of the motion that Bill C-15, An Act to amend the National Defence Act and to make

consequential amendments to other Acts, be read the third time and passed.

The Speaker: The hon. member for St. John's East has approximately eight minutes left to conclude his remarks.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, just before question period and members' statements I was outlining why we have seen fit to indicate our support for this bill at third reading despite the fact that we voted against it at second reading, second reading being approval in principle.

We raised quite a number of points concerning the deficiencies of the bill through speeches and debate at second reading. The deficiencies of the bill are also deficiencies of the status quo. In other words, the things that we were seeking to improve have been there for a long time.

We complained about the inadequacy of the summary trial procedure, because people did not have the full availability of all of the charter procedures. That was there in 1983, when the Charter of Rights and Freedoms came in. It was there in 1993, when the Liberals came to power, and it was there in 2006, when the Conservative government came into power. When Bill C-41 came about, I started talking considerably about this issue and about the need to bring about changes in the act.

In the last parliament, under Bill C-41, we brought about changes in committee similar to the amendment to clause 75 that was passed here in committee. Other measures that we brought forward went further in different areas, but did not achieve success. Nevertheless, the changes contained in Bill C-15 regarding military justice are, on the whole, positive, although they are not where we want to be.

As I said before question period, we are making a commitment that when we form a government in 2015, we are going to fix these things. We are going to fix the fact that the grievance board would not have a requirement for civilian as well as military members. We are going to fix the fact that grievances would not have to be heard and completed within one year. We are going to fix the fact that a change would be made in legislation to allow the Vice Chief of the Defence Staff to issue instructions on investigations that the Provost Marshal could undertake, for example.

There are a series of things that need to be done. We need to go further in reforming the law with respect to summary trials and the protections that need to be present. These are things that we are committed to doing.

However, we are also committed to the progress that has been made. I would like to put it on the record that we claim credit for that. We put it on the table and we made the arguments at second reading with those 50-some speeches and we got a commitment from the government to make an amendment to that provision. Because of that, 93% of summary conviction trials will now not result in a criminal record.

We brought in a number of amendments. I think it was 22. I do not recall any of them being warmly accepted by the government, but they were brought forward for a very important reason: they were brought forward to fix the deficiencies in the act. We are not satisfied with the result, but that does not mean we are going to throw out the progress that has been made.

Government Orders

We brought those amendments because we want to make it clear that we are not satisfied and we want it to be fixed. We want it to be improved. We want the changes that we brought forward to be made. We want to give the Chief of the Defence Staff, for example, the financial authority to compensate CF members as a result of the grievance process. We want to ensure that there is police independence and that any charges must be laid within a year. We want to expand the procedure for summary trials so that no one gets a criminal record without having the protections of the Charter of Rights and Freedoms in terms of proper due process. These things are part of our commitment to the men and women in uniform, and we want to see them happen.

We brought before the committee people such eminent personages as Clayton Ruby, a renowned and probably pre-eminent Canadian lawyer. The member opposite said “infamous”; he may be infamous in some circles, but I tell the member that as a member of the legal profession, he is extremely highly regarded.

• (1515)

He was treasurer of the Law Society of Upper Canada, which means president. He has been honoured across the country for his work. He has the most comprehensive work on sentencing in Canada. His works are quoted by all courts in Canada, including the Supreme Court of Canada. He is an eminent personage who came and testified before our committee and talked about the need to ensure that members of our military have the same protections in law and the same rights as others.

We had former justice Gilles Létourneau of the Federal Court of Canada. He had also been chair and commissioner of the Somalia inquiry, which probably was what first brought to light to Canadians the deficiencies in our military justice and policing systems. That gave rise to reforms, although they took a long time to get here.

We can point fingers all ways to Sunday as to who is responsible. The government ultimately is responsible because it has control over legislation, except in the case of a minority government, which has less control. We are here now with significant reforms, if not all the ones that need to be brought in, and we should claim progress. Certainly we are claiming, on behalf of our party, some significant progress in addressing this particular concern that we brought to the table and that got us to the point where we are today.

Therefore, I want to encourage members to support the bill. For some reason the Liberals have decided not just to vote against it but to attack the New Democrats for supporting it. If the enemy is the government, I do not know why they would not attack the government. However, I am not in charge of their strategy, so I do not know.

If they want to oppose it, they could just get up and quietly vote against it, but instead they want to make some issue of the fact that we, who opposed it in second reading, got a substantial improvement in the committee in favour of individuals so that 93% of the people charged with summary conviction offences would get no criminal record. The Liberals think there is something wrong with that, and at the same time they approved the bill in principle at second reading, offered no amendments in committee and are now going to vote against it and oppose it here today. That is for them to explain.

I am here to explain to the House and to the men and women in uniform why we are supporting the advances that are being made and why we are making the commitment to bring about some significant changes, including what was proposed by Mr. Justice Létourneau in his testimony: a fundamental wall-to-wall review of the National Defence Act, conducted outside the control of National Defence, that would give Parliament truly independent advice on how to fix this situation.

• (1520)

Mr. Chris Alexander (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, we on this side would like to congratulate the member for St. John's East for his support for the bill, for his party's support for the bill, and for his recognition of the important progress it represents in our military justice system. It represents progress by ensuring that criminal records would no longer be generated by a whole series of summary offences. It represents progress in sentencing reform, in victim impact statements, with regard to entrenching the rule of the grievance board, the Provost Marshal of the Canadian Forces, and so forth, as well as entrenching the process of review in which we all believe.

The member cited Clayton Ruby and Mr. Justice Létourneau. Would he not agree, just for the record, that there is a very strong position to be considered that says, as Chief Justice Dickson said, as former Chief Justice LeSage has confirmed in his most recent report, that “the summary trial process is likely to survive a court challenge to its constitutional validity”, and that the most curious aspect of this third reading of the bill so far is the absolutely vertiginous change in position by the Liberals?

I do not know if they have it back to front or front to back. I do not know if it is because the member for Papineau is now in charge and that someone is not really in control of the wheel, but the Liberals seem to no longer accept the constitutionality of the summary trial process that they lived with for decades in government, that they accepted at second reading and voted for, and that they sat on their hands for and did nothing to change in committee.

Would the hon. member agree with that assessment?

Government Orders

Mr. Jack Harris: Mr. Speaker, first, let me say that the comments that my friend referred to at committee by Mr. Justice LeSage, Justice Dickson and Justice Lamer about the general acceptability of a differing system of military justice from the civilian system and the Charter of Rights and Freedoms, I think, were cast in general terms. I do not believe that kind of analysis would be applied to the individual specific aspects of the system, as Clayton Ruby and Mr. Justice Létourneau pointed out. They were not passing judgment as they would in a court when presented with a certain fact and situation and circumstance, which is the only way these types of decisions are made by a court. I think that was clarified by the testimony of Mr. Clayton Ruby, retired Colonel Michel Drapeau and Mr. Justice Létourneau.

As for the Liberals, I think they are going to have to speak for themselves.

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, I have nothing but sympathy for the member for St. John's East having his own vertiginous moment here. I am quite fond of the member for St. John's East, and I want to commend him quite unconditionally and say that he has worked very hard on this file. He has worked very hard on this file in this Parliament and in the previous Parliament. His 20-minute explanation at this stage as to why the NDP is having a moment of support for the government is an interesting phenomenon. I wish him well.

The member started off by saying that NDP members made 55 speeches against the principle of the bill. They probably did. In fact I think I even heard some of them repeated this morning, with an amendment at the end that said "but we are going to vote in favour of the bill".

The member worked very hard in committee, and I commend him for his work. He moved 22 amendments and had no success with any one of them, which is unfortunate. I think the bill would have been improved by a number of his amendments.

Then the member said they were taking credit for what movement the government did make. I am not quite sure what movement the government did make, but nevertheless let us say they did. It is regrettably a stripped-down version of it.

At the end of the committee, he was so unhappy with the lack of movement by the government that he filibustered for four hours. I declined the opportunity to listen to my hon. colleague for four hours, and now he is back in the House supporting the government's bill.

I would ask the hon. member, when he is having his vertiginous moment, if his stomach in fact turning.

● (1525)

Mr. Jack Harris: Mr. Speaker, I thought vertigo had to do with the head. I am not sure, but it is something between the ears, I believe.

In any event, I think the hon. member is confusing support for the legislation with support for the government. I made it very clear that I did not support the government. In fact, the reason we had the mini-filibuster in committee was that the members opposite decided, without any warning or any politeness or any consultation, that instead of coming back the next day to finish the committee

hearings, they wanted to go forever. I said that if they wanted to go forever, then we were prepared to go forever.

I know the member declined to enjoy the conversation and continue with the rest of the legislation, but we went ahead and did so in his absence. We did work hard on the bill, and we laid the groundwork, I think, for what will be significant future progress in this area.

I do not know why the member is saying he does not see the improvements in the bill. I will remind him that we now have the circumstance where some 93% of the summary trial procedures that go forward for our men and women in uniform will not result in a criminal conviction. For that, I am grateful. I am sure the men and women in uniform are as well.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I would like to thank the hon. member for his hard work on this bill and particularly for bringing forward very important amendments.

We have to credit the government for finally, actually, accepting some amendments.

One thing that concerns me is that apparently the government did take some action on Right Hon. Antonio Lamer's report of 2003, but has yet to take any action on the report, which it commissioned, I understand, by the Right Hon. Patrick LeSage. That report was brought to the government and tabled in 2012, in the process of the review of this bill.

How long do we have to wait in this country to bring forward a modernized system of trial of offences for our brave men and women who serve overseas? Why do they not merit a quicker response by the government to bring forward a more just system?

Mr. Jack Harris: Mr. Speaker, I would like to thank the member for Edmonton—Strathcona for her question. I could not agree with her more.

This has been an extremely slow process. The kind of review that Justice LeSage did, for example, was available to the government members a year ago, in June, I think. It was finally tabled in December, when they said it was too late to deal with it. If they had dealt with it when they received it, we could have had amendments to this act in keeping with his recommendations.

We have asked the government to commit to bringing forth legislation within the year. I hope it will do so. We want to go further than that and follow Justice Letourneau's recommendation that there be a fundamental wall-to-wall review of the National Defence Act conducted outside of the control of the Department of National Defence to give Parliament a legislative proposal addressing not only the military leadership's wishes, but also those of our civil society.

Other nations similar to ours, whether it be Australia or the U.K., have modernized the system. They have made it far more related to the civilian process. We are not that unique in Canada that we cannot do that, but we need to do it with the proper wall-to-wall review that Justice Letourneau has suggested.

How long will we have to wait? It does not seem that the government is prepared to do it. Maybe we will have to wait until 2015 in the hopes that the review can and will be done.

Government Orders

• (1530)

[*Translation*]

Mr. Mathieu Ravignat (Pontiac, NDP): Mr. Speaker, I would like to inform you that I will be sharing my speaking time with the member for Esquimalt—Juan de Fuca.

I am pleased to rise today to speak about this bill, which at the outset contained a number of clauses to which the NDP was opposed at previous readings.

After a difficult battle over amendments to clause 75, regarding criminal records, an issue on which we very publicly expressed our views, our party is satisfied that we forced the government to change nearly 95% of the offences under the Code of Service Discipline. They will no longer result in a criminal record. This is why I will be supporting Bill C-15.

It must be said that my colleagues worked very hard to ensure these changes were made. Today, we are proud of the tangible results we obtained for members of the Canadian Forces. Our efforts will make it possible to reform one of the most important pieces of legislation aimed at establishing a more equitable military justice system.

By way of background, Bill C-15 is a legislative response to the recommendations made by the former chief justice of the Supreme Court of Canada, the Right Honourable Antonio Lamer, who tabled his report on the independent review of the National Defence Act in 2003. It contained 88 recommendations regarding the military justice system, the Military Police Complaints Commission, and the grievance process up to and including the Canadian Forces Provost Marshal. In addition, another review of certain provisions of the National Defence Act was conducted by the Ontario Superior Court. This report was given to the government in December 2011, but it was not until June 2012 that the minister tabled it in the House.

Despite the fact that the Conservative government received the LeSage report more than a year ago, it has not yet incorporated a single one of these recommendations into Bill C-15. In fact, the Conservatives voted against the amendments put forward by the NDP, which was attempting to have a number of recommendations from the LeSage report included in the bill.

Bill C-15 has appeared in various guises in 2007, 2008, 2009 and 2010. Bill C-41 was tabled as a follow-up to the 2003 Lamer report and to the report by the Standing Senate Committee on Legal and Constitutional Affairs. It contained provisions on military justice, including sentencing reform, military judges and committees, summary trials, court martial panels and the Canadian Forces Provost Marshal, and a number of provisions related to the grievance and military police complaints processes. Bill C-41 was amended in committee, but died on the order paper because an election was called.

Basically, Bill C-15 is similar to the version of Bill C-41 that came out of the committee's work during the previous session. However, major amendments that were put forward in the last Parliament at committee stage were not included in Bill C-15.

At present, a conviction following a summary trial for a military offence may result in a criminal record for the Canadian Forces

member even though there is no guarantee that the trial was fair. In fact, during a summary trial, the accused may not consult legal counsel. There is no appeal, nor is there a transcript of the trial, and the judge is the commanding officer of the accused.

This results in consequences that are too severe for Canadian Forces members who are found guilty of minor military offences, such as disobeying a lawful command, feigning an illness and permitting or assisting an escape, even though the escape itself does not lead to the establishment of a criminal record. This is why the Right Honourable Patrick LeSage stated that the damage that flows from a criminal record and the potential effect on a person's life is "far too severe a consequence" for most offences tried by summary trial and that the consequences are "totally disproportionate to the violation".

• (1535)

Although some progress has been made, we feel that additional reforms are required and that there must be a review of the summary trial process.

Both in the House and in committee, the NDP has asked for changes and amendments to reduce the impact of disciplinary punishments and of a potential criminal record, and to raise the issue of the absence of a comprehensive charter of rights.

The NDP fought to improve the bill in committee. Our efforts resulted in a longer list of offences and cases that will not lead to a criminal record, as well as a number of other amendments to improve the bill, and this shows our commitment to reforming the system.

The NDP supports this update to the military justice system. We understand that members of the Canadian Forces must comply with very high standards of discipline, but we strongly believe that in return they must be able to rely on a justice system that meets standards that are just as high.

Many Canadians would be astounded to learn that the men and women who serve our country with valour may be given a criminal record because the system does not follow the procedural rules that are normally applied by civil courts. They may be subject, as the Right Honourable Patrick Lesage writes, to consequences that are "totally disproportionate to the violation."

Moreover, for the Canadian Forces Grievance Board to be seen as an external and independent civilian oversight body, as it is intended to be, the appointment process must be amended to reflect this reality. Consequently, some members of the board should come from civil society.

One NDP amendment stated that at least 60% of members of the grievance board must be people who had never been officers or non-commissioned members of the Canadian Forces. This amendment was passed in March 2011 as part of Bill C-41, but it was not kept in Bill C-15, as the Conservatives rejected it.

Government Orders

In order to guarantee the independence of the external committee, the NDP put forward an amendment to clause 11, to exclude serving members of the Canadian Forces. This measure was called for both by Justice LeSage, following his independent review, and by Bruno Hamel, chair of the Military Grievances External Review Committee.

Here again, the Conservatives voted against this measure, just as incapable as they always are of setting up the measures needed to ensure the independence of the grievance review committee, the military police or the judicial elements of the military justice system.

The NDP will work toward making the military justice system more equitable for all Canadian Forces members who put their lives in danger in order to serve Canada.

Many of our allies have considered it worthwhile to amend their summary trial processes, which leads us to wonder why it is taking Canada so long to modernize the military justice system for our troops.

The eminent jurist Gilles Létourneau has called for an independent and comprehensive review of all the National Defence Act provisions that deal with the military justice system.

When will the Conservative government stop making ragtag, piecemeal changes to the military justice system? When will it carry out an exhaustive and independent review?

I would like to end by saying that the official opposition has at heart the best interests of the men and women who defend our country and who risk their lives to make the world a better place.

• (1540)

Mr. Chris Alexander (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, I have a fairly simple question to put to the hon. member for Pontiac.

If the NDP really has the interests of the Canadian Armed Forces at heart, why did it take him two years to vote in favour of this bill? The government was prepared to go ahead two years ago. This is the fourth version of this bill we have considered. Why?

It is not merely a matter of the over 50 speeches the hon. member for St. John's East has mentioned. Why were there 77 NDP speeches at second reading? Why make 16, or whatever, at this stage? Why delay the passage of a bill that the NDP is now supporting and which is very important and very worthwhile for our Canadian Armed Forces? This bill could have been passed two years ago.

Mr. Mathieu Ravignat: Mr. Speaker, I thank my hon. colleague for his question, and for his passion for the Canadian Forces. It is a passion I share.

The passage of time is attributable simply to the fact that the bill presented earlier would not do. It had to be amended. The facts show that it really did need to be amended.

The Conservatives did nevertheless accept a few important amendments. Why did it take them two years to accept them? I can now send his question back to him.

In any case, at this point, both sides are agreed that it is time to act.

[English]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is nice to hear the Conservatives and the NDP agree that it is time to take action. However, they are also falling short in taking the necessary action that will in essence provide a greater sense of fairness and justice for people who serve in the military so they get the same sort of treatment in a certain area that civilians get. I am referring to summary trials, and my question is related to that.

In a summary trial, members of the Canadian Forces are treated differently than the civilian population. They are not provided or afforded the right to counsel, they are not provided the right to appeal and they are not even allowed to have transcripts on what takes place. That is the reality, even if the bill passes, for members of the Canadian Forces today, yet Canadians outside of the Canadian Forces are allowed that form of justice.

Why does the NDP support that two-tier level of justice, which is different for those in the Canadian Forces than for those who are not, on the issue of summary trials?

Mr. Mathieu Ravignat: Mr. Speaker, I think the hon. member is perhaps mistaking our support for the bill as support for the complete perspective and direction of the Conservative government on defence issues, which is simply not the case.

There is enough good in the bill at this time to proceed to action. These other matters can be addressed in the future under other bills. We would hope that the very important points my hon. colleague is making are addressed in the future by the government, and they certainly will be addressed in the future by our party.

[Translation]

Mr. Jean Rousseau (Compton—Stanstead, NDP): Mr. Speaker, one request that is continually made about this bill is to expand the list of military offences that do not entail a criminal record. We know how important the reintegration of military personnel is when the time comes to return to civilian life, and how important it is to have an accurate and well prepared file when looking for a job, approval for a mortgage, or things of that kind.

We want to expand the list, because, minor offences can sometimes lead to a military sentence and a criminal record, which could prove an obstacle when soldiers come back to civilian life.

Mr. Mathieu Ravignat: Mr. Speaker, I thank my hon. colleague for his question. I agree with him completely.

That is precisely one of the basic issues our party has brought to this debate. I believe we have addressed this issue in a very rational and measured way. Clearly, reintegration of military personnel should be a priority for this government.

No doubt the defence critics will continue to press this government to ensure that everything is done properly.

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• (1545)

[English]

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, I rise today to speak to Bill C-15, An Act to amend the National Defence Act and to make consequential amendments to other Acts, more commonly referred to as “the military justice act”. I am happy to say today that, as a result of improvements that have been incorporated into the bill by amendments at the committee stage, I will support Bill C-15 at third reading.

One of the most progressive provisions of our military justice act, which was made in 1998, was the mandatory five-year review process. The first of those reviews was completed by a very distinguished former chief justice of the Supreme Court of Canada in September 2003. Mr. Justice Lamer's conclusion was that our military justice system was generally working, while not without room for improvement, and he made recommendations in three main areas: actions to increase the protection of the independence of military judges; improvements to the current grievance process; and actions to address deficiencies in the overall military justice framework.

The recommendations in the area of independence of military justice were dealt with in the fall of 2001, with all-party agreement, and received Royal Assent at that time.

The second area that Mr. Justice Lamer made recommendations in was the area of improvements to the current grievance system. He judged that while the grievance process was unsatisfactory, this was largely due to its failure to deal with grievances in a timely manner and the resulting backlog of grievances that resulted. At the time of his report, there were over 800 grievances outstanding, and grievances were often stuck at the level of the Chief of the Defence Staff for more than two years. Apparently, this is still the case.

Mr. Justice Lamer suggested a 12-month limit and that this deadline could be met if several things happened. One of those was if the Chief of the Defence Staff were given the ability to delegate responsibility for some grievances to subordinate officers. This would be a provision in Bill C-15. The other two recommendations were not really legislative measures in nature. What he said was that we needed both adequate resources to deal with grievances and adequate training for the grievance officers. Unfortunately, both of these two objectives would be very difficult to accomplish in view of the large cuts to the DND budget again this year.

The third area of his recommendations came in addressing deficiencies in the overall military justice framework. The former chief justice set out four principles that he thought should guide the system. I will go over those again. I know I have spoken about them previously in the House, but they are very important to understanding why military justice is so important.

The first of those principles was that we understood that maintaining discipline by the chain of command was essential to a competent and reliable military organization. However, in order to maintain that discipline, they need to have confidence in the disciplinary measures. Therefore, anything we can do to improve the military justice system will improve maintaining discipline and will make our military more competent and more reliable as an organization.

The second principle he stressed was that it was necessary to recognize the peculiar context of the military justice system, meaning that we, as he said:

—need to have a system that will properly operate under those special conditions that our men and women are placed in, often abroad, under conditions from peacekeeping to peacemaking, in what is often a hostile environment, and indeed sometimes outright war.

His third point was that those who risked their lives for our country deserved a military justice system that protected their rights and freedoms according to the Charter of Rights and Freedoms.

Finally, with his fourth principle, he argued it was necessary to recognize that any doubts about, or lack of confidence in, the military justice system would have negative consequences on morale within the Canadian Forces.

Therefore, these aspects of the context of military justice make it particularly important in Canada that we operate a model system of military justice. As I said, I now believe Bill C-15 does make progress in some areas. One, which I mentioned in my second reading speech, I would like to mention again, and that is progress in placing limits on the power to arrest without warrant under the existing sections 155 and 156 of the National Defence Act. A second, in Bill C-15 from the beginning, is in providing more flexible sentencing options, again as recommended by Mr. Justice Lamer, and a provision that would bring military justice in line with civilian justice by adding some new sentencing options, including absolute discharges, intermittent sentences and restitution orders.

While Bill C-15 would make some improvements in the summary trial system, which accounts for 96% of all cases dealt with in the military justice system, we believe, because of the volume of those cases, that a full review of the summary trial process is still necessary.

• (1550)

Another area of concern that remains for us is the failure of Bill C-15 to address the need to strengthen the role of the Military Police and the Military Police Complaints system so it can act as an effective oversight body with full investigative powers and with the full confidence of all members of the Canadian Forces.

We call for the elimination of the new clauses from subsection 3 and subsection 5 in section 18.5, which would allow the Vice Chief of the Defence Staff the authority to direct Military Police investigations. We know from our past experience with the investigations in Somalia that this is a very dangerous provision. Both past and present chairs of the Military Police Complaints Commission have expressed their concerns about this step backward. Unfortunately, that provision remains in the bill. This provision illustrates an unfortunate tendency by the government to misunderstand the importance of the concept of independence of police and a misunderstanding of its essential importance to maintain the confidence of all parties in the integrity of investigations and therefore the outcome of judicial processes.

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We have seen similar attitudes recently illustrated by the Minister of Public Safety in his apparent political interference in the operations of both the RCMP and Correctional Service Canada for which he is responsible. Again, we would very much like to have seen this provision allowing the Vice Chief of the Defence Staff to direct police investigations to have been removed to guarantee that the integrity of those investigations and the confidence in those investigations would remain very high because that would affect the ultimate outcome and the ultimate acceptance of discipline within the military justice system.

One area in which I believe the committee made significant progress in improving Bill C-15 came in the amendments that significantly reduced the number of offences for which a conviction would result in a criminal record. Now it is estimated that more than 93% of convictions for disciplinary offences will not result in a criminal record. This will remove a major inconsistency between our military and civilian justice systems and perhaps most important to me will at the same time remove a major employment obstacle for some of those leaving the forces who unfortunately had disciplinary offences that would never have received a criminal record in civilian life, but became obstacles to their employment in civilian life because of this discrepancy between our two civilian and military systems of justice.

There is one other concern that I touched on briefly before that is not addressed in the bill. As Mr. Justice Lamer acknowledged in his statement, all the solutions are not legislative in nature. His concern in his report was very much the general under-resourcing of the military justice system. This continues to be the case today. I have a particular concern with resourcing at CFB Esquimalt in my riding, which has seen cuts to the alternative dispute resolution programs, which will result in the ending of those programs by March 2014.

One might ask what the alternative dispute resolution has to do with military justice. What was found at CFB Esquimalt was that the use of the alternative dispute resolution programs led to lesser involvement with the military justice system and fewer disciplinary problems by being able to solve apparent conflicts between members of the forces at a very early and a very low conflict level.

Those cuts have been based on the argument there is no explicit mandate within the National Defence Act for alternative dispute resolution services and therefore they should not be funded. What it ignores is that this would in fact reduce the demands on the already overstressed military justice system and that the costs of this program are very low.

In conclusion, let me restate the obvious importance of improvements to our military justice system. It is very obvious that they would help to both increase discipline and reliability of the military, that they would help increase morale within the military and that they would respond to the basic rights of those who served in the Canadian Forces.

Members of the Canadian Forces, as I said, are held to a very high standard of discipline, and therefore our judicial system should reflect that fact. Ensuring that our military justice system ranks as a model system and a system that all Canadians, both members of the Canadian Forces and the public at large, can justifiably be proud of is an important goal we should keep in mind.

While work remains to achieve the high standards that can make us all proud of our military justice system, co-operative work at the committee level has made enough changes to Bill C-15 to convince me that it represents significant progress in that direction, and for that reason, as I said, I will support the bill at third reading.

• (1555)

Mr. Chris Alexander (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, as the member knows, the committee on national defence recently visited his riding and CFB Esquimalt. We join him in congratulating all the members of the Royal Canadian Navy for the fine work they do on that base, as others in the Canadian Forces do across the country.

I have two questions, one on substance and one on process.

First, does the member understand that the provisions of the bill relating to the empowering the Vice Chief of the Defence Staff to communicate with the military police through their Provost Marshal are actually in both the spirit and letter of our military justice system. They allow the operational imperative of the battlefield or of a military mission to be communicated, to be brought to the attention of those conducting a police investigation, and that there are safeguards.

The intervention must be in writing. The military police have the right to make that representation public if it wishes. If members are not happy with the nature of that representation, they have the right to go to the Military Police Complaints Commission. Is he aware of those safeguards?

Second, the NDP now agrees with the bill. They want it to move forward. They see the improvements it represents. Will the member take responsibility for the fact that this is happening much later than it should have?

There have been 112 speeches at all stages. There have been many more speeches in committee, and 90% have come from the NDP. It has taken us two years to get through the bill, and this is the fourth version of a bill that is long overdue.

In the member's view, why have we taken so long to get to this point?

Mr. Randall Garrison: Mr. Speaker, for my part, it is always very interesting to have the government blaming the opposition for the government's delays in bringing bills forward.

I had the Minister of Justice do this to me on the same sex divorce act, where he keeps saying I am the obstacle to bringing forward the bill.

While I do recognize the vagaries of the electoral system, prorogations and other actions by the government have also delayed the bill coming forward. However, the one I really want to take issue with is when the members on the other side say that there were too many speeches from members on these bills. The members of my riding sent me here to speak on their behalf, to represent their interests. I represent a riding that is one of the largest military ridings in the country, and I will never apologize for speaking on military justice matters.

Government Orders

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, I congratulate the hon. member on his speech. Certainly it was better the second time around, and possibly it was the third time round, I am not quite sure. However, nevertheless, on the issue of too many speeches, democracy is a real pain that way. People actually prefer to talk about things instead of fighting about things.

I noticed there was not that much change from the speech on second reading to the speech on third reading and that he was still unhappy with the ability of the Vice Chief of the Defence Staff to impose himself or herself into a police investigation. As the hon. member is the critic for public safety, this is a pretty important issue. The government had a wonderful opportunity to do something.

As we see from the history of the bill, this does not come up often. It was an opportunity to be co-operative with the opposition. Unfortunately, the his party put forward 22 amendments and got nowhere with any of them. The government put forward two amendments, one of which was quite useful.

I would be interested in his concerns about what co-operation means at a committee level. If we bring forward witnesses, they make suggestions. Amendments are drafted to reflect those suggestions, and none of them were adopted.

•(1600)

Mr. Randall Garrison: Mr. Speaker, based on my experience in the public safety committee, sometimes our amendments have not been adopted, but the government has introduced amendments that accomplish the same thing.

I am not really very concerned about who gets the credit in committee. I am all about ensuring we make improvements to the bills. Since those improvements have been made, as I said, then I will support the bill.

It does not mean I support the government. It does not mean I think the process was perfect. However, I would like to have seen, as is the case in public safety, that the Liberals do more than just complain and actually introduce amendments at the proper time if they have problems with the bill.

[*Translation*]

Ms. Francine Raynault (Joliette, NDP): Mr. Speaker, I am sharing my time with the member for Ottawa Centre.

Matters are not moving forward quickly, but they are moving forward. Ten years after the report of former chief justice Antonio Lamer of the Supreme Court, and four years after the report of the Standing Senate Committee on Legal and Constitutional Affairs, we are finally ready to amend the National Defence Act. The proposed amendments have long been awaited by this country's military, and I want to lend my support to Bill C-15, stressing the significant contribution the NDP has made to the process.

Bill C-15 is a step in the right direction. However, we still have some way to go in order to have a system of military justice that is genuinely fair. To that end, I shall also be suggesting a few measures to be taken in the future. As I was saying, Bill C-15 is a step in the right direction. It brings Canada's judicial attitude towards its military up to date and will ensure serving members of the forces greater fairness in relation to other Canadians.

In particular, the bill allows greater leeway in sentencing, with additional sentencing options, including an absolute discharge, intermittent sentences and restitution; a change in the composition of the court martial panel depending on the rank of the accused person; a change in the limitation period for summary trial and the ability for an accused person to waive the limitation period; and so on.

It is also quite clear that Bill C-15 gives new powers to the Vice Chief of the Defence Staff in relation to military police investigations. In my humble opinion, this is a retrograde step. It signals that the government could have done more, but overall, this bill will nevertheless ensure greater justice for members of the military.

This situation was made possible by the recommendations of my New Democratic Party colleagues, whose hard work made it possible to include necessary amendments in the initial bill. Through its efforts, the NDP made it possible to expand the list of offences and cases that do not entail a criminal record, which happens in 95% of military cases. That is no small thing: 95% of military justice cases lead to a criminal record. We know what that means.

Moreover, the crimes in question are not all comparable to those committed by Corporal Lortie. We are talking about disobeying an order, feigning sickness and facilitating an escape, even though the escape in itself does not even lead to a criminal record.

Former chief justice of the Ontario Superior Court Patrick LeSage said that the harm done to a person by a criminal record was far too serious a consequence and that its effects were out of all proportion to the offence in question. As we know, a criminal record can have very negative repercussions for an individual in civilian life. When military personnel return to civilian life with a record, things are difficult for them.

It is deplorable that the Conservatives refused to include in Bill C-15 the recommendations Justice LeSage made in 2011, when they had more than a year to think about it. We in the NDP tried hard to have them included, but the government refused, so we will have to wait until next time. It is vital that Canada continue to look at the issue of military justice. The men and women who choose to defend their country deserve our highest consideration.

One aspect to consider, in addition to the severity of sentences, is the speed with which they are imposed.

•(1605)

In the military, summary trial resolves most issues. At such a trial, the accused person is not entitled to counsel. Furthermore, there is no transcript and no appeal.

I know I am repeating what my colleagues have already said, but I believe it has to be said again and again, so that people are informed. The worst of it is that the judge is the accused person's commanding officer, which naturally opens the door to abuse. While we have equipped Canada with a professional army, we have to admit that this kind of trial looks like a distressing anachronism.

Government Orders

Fortunately, the NDP proposed a series of amendments to improve this bill, in particular to enhance the independence of the military police by eliminating the ability of the Vice Chief of the Defence Staff to give specific instructions to the Canadian Forces Provost Marshal respecting an investigation.

The NDP also drew inspiration from Justice LeSage's recommendations when it said that a charge must be laid within a year of the commission of an offence. This will spare members of the forces from having to live in fear that an earlier offence may suddenly draw severe and unexpected punishment.

I am proud to vote in favour of greater judicial equity for Canada's military, who are entitled to our greatest respect. I also find it deplorable to have to wait so long for a report to be translated into a bill, and I would ask the government kindly to supply a legislative response to the LeSage report within a year, which will make it possible to provide greater fairness within the Canadian Forces.

In conclusion, I maintain that Bill C-15 is a step in the right direction. It will lighten the judicial burden borne by our military, who have many other stressors to deal with.

Nevertheless, we will have to do more and do better to complete this picture, and that is what we will do when the NDP is in power. For these reasons, and because the NDP's efforts have underpinned one of the most significant reforms designed to establish a more equitable system of military justice by limiting unreasonable criminal records, I give my full support to Bill C-15.

[English]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I am wondering if the member could indicate which amendment it was, in committee, in which the NDP proposed that the minor offence could not lead to a criminal offence.

[Translation]

Ms. Francine Raynault: Mr. Speaker, is this question more important than protecting our military?

We feel that protecting military personnel from a criminal record is the most pressing question.

Mr. Denis Blanchette (Louis-Hébert, NDP): Mr. Speaker, I would like to thank the member for her speech.

How odd for the government to complain that we are taking too long to pass this bill, given that it has been working on the bill for so long and especially given that it is the one controlling the legislative agenda.

My colleague mentioned a very important point. Despite the fact that the LeSage report was adopted more than a year ago, we have yet to see any response to the report. The fact is that we are supporting this bill even though it is just a small step in the right direction.

Could my colleague talk about how eliminating criminal records will affect military personnel?

• (1610)

Ms. Francine Raynault: Mr. Speaker, I would like to thank the member for his question.

There are times when our military personnel make mistakes. In the past, those mistakes would have resulted in a criminal record. I do not feel that our military men and women should get criminal records for one slip-up. At times, they want to unwind and things end up going off course. I do not believe that our military personnel should be punished for such blunders.

Of course, if they commit serious offences, justice will run its course. However, it is very important that our military personnel do not have a criminal record because, as my colleagues said, if they wish to buy a house or a car or get a loan someday, it will be difficult for them to do so.

[English]

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, if the hon. member could point the House to the NDP amendment that led to the reduction in criminal records under summary conviction events, I would appreciate it.

[Translation]

Ms. Francine Raynault: Mr. Speaker, amendments to clause 75, which deals with criminal records, were proposed.

I understand that the Liberal Party really wants me to say it, but that is not what is important to me. What is important is that our military personnel no longer be charged and faced with a criminal record, no matter which party proposed the amendments.

The NDP's amendments were shot down in committee, but they were reintroduced. That may be politics, but the important thing is that our military personnel not have a criminal record.

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Mr. Speaker, I find it very curious that some Conservative members are saying that we are delaying passage of the bill, when reports were released and concerns raised a decade ago.

The government has been studying this file for four years. However, just because NDP members continue to raise concerns because not everything has been addressed, they claim that the NDP is delaying passage of these laws. Yet the Conservatives have the power to pass them. I would like the member to comment on that. The Liberals and the Conservatives had the opportunity to improve the lives of our veterans, but they did not.

Today, Canada deserves better. That will probably happen in 2015, with an NDP government that finally takes action on this file.

Ms. Francine Raynault: Mr. Speaker, as I said at the beginning of my speech, 10 years after the report by former Supreme Court Chief Justice Antonio Lamer and four years after the report by the Standing Senate Committee on Legal and Constitutional Affairs, the National Defence Act will finally be amended.

It took a long time. Both the Conservatives and the Liberals, when they were in power, could have decided to protect our military personnel. It has been a very long road.

[English]

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, it is interesting. We have this bill in front of us yet again. I know there is some frustration from the government side that we chose to get up in the House to speak on the bill.

Government Orders

However, from where we sit, frankly, it is our job. It is a bit rich to hear from the government members that they have heard just too many speeches and that somehow we are getting in the way of getting the bill done.

I do not have to tell members that back in 2006 we had an offering from the government. Then there was a parliamentary crisis, for the government at least, in that it had to prorogue Parliament. It is interesting. The reasons for proroguing Parliament were around issues dealing with the military and the fact that the government could not share documents with Parliament, which put the military in a very difficult position because of the political gamesmanship.

However, the government had this bill in front of Parliament and what did it do? It prorogued Parliament because of a political crisis for the Conservatives, not because of Parliament.

As members will well recall—I certainly recall because I was on the committee—we put forward the issue and asked the Speaker to act on the lack of co-operation from the government on its due diligence to share information with Parliament.

Therefore, when the government claims that somehow the NDP, the official opposition, is getting in the way of progress on bills, it should look in the mirror. The bill could have been passed long ago if the government had chosen to have it pushed through. However, we did get some gains, so to speak, by pushing amendments.

I find it interesting that the Liberal Party is trying to play some kind of crafty game by asking us in the NDP to cite exactly where the amendment is, in terms of trying to change the act.

The difference between the NDP and the Liberals is that we actually put amendments forward. Maybe they should actually read the dossier when they are at committee. I am assuming the members who are asking the questions were actually at committee, so maybe they should look back in their files.

I guess the Liberals' strategy is fascinating for them, but we on this side, in the opposition, actually want to get results. That is why we push for amendments and we are not playing little "gotcha" games as the Liberals are doing down there.

I appreciate the fact that they might not have any ideas. However, then they try to push it onto the official opposition members who actually stand here day in and day out saying we are against the government but we have solutions and alternatives. I guess the Liberals sometimes have problems with that, but that is for them to sort out.

It is interesting. This bill's origins come from a report from former chief justice Lamer. I was a big fan of his. I found that he was one of our best. He was someone who saw the importance of having a balance between the rights of citizens and the importance of governments to be able to act. His recommendations were very thorough, as the Speaker knows. In fact, I believe the Speaker knew him well and knew of his work.

On a side note, I was able to vacation with him, ever so briefly, just down the road here on the Rideau Lakes. One of the things that so impressed me, with respect to his kind of analysis of the law, is that he understood that we had to do a much better job when it comes to allowing our men and women who put their lives on the line to

receive the same kind of rights as we have as everyday citizens, and we can see it in the work here.

I am a son of a veteran. My dad served in World War II. Both my grandfathers served in World War I. It was clear to them when they signed up that they had certain responsibilities. They went to defend our country. They also believed strongly, both of my grandfathers and my father, that Canada was an example for that balance that I talked about and Lamer was referring to, but they thought we could do a lot better. Over time, we have done better. Let us acknowledge that.

However, what we are talking about here is the importance of looking around the world and seeing that other jurisdictions are doing a much better job when it comes to military justice. For example, Australia, New Zealand and others have looked at the whole issue of summary trials.

• (1615)

My colleague has already outlined the concern we have about how often summary trials are used. However, it seems to us on this side of the House that if we are to be genuine and authentic in supporting our men and women, it has to be comprehensive. When we are talking about summary trials, clearly this is an area that deserves a lot of attention. All we have to do is look at what our allies are doing. They certainly have been seized with it and have made sure that something has been done.

Also, I want to underline the importance of those who serve in our Canadian Forces having confidence in the integrity of the system, one that would allow them to appeal and to access justice in a timely manner. Those are the standards we all use in the civil system that we are under. However, it seems that when it comes to our men and women in the military it is a different scenario. Of course there is a different atmosphere because of command and control and the way in which discipline is used. Therefore, we were looking for changes to reflect that in this bill.

The House will recall that, when the Speaker was on this file, retired Colonel Drapeau appeared before committee and pointed out a number of smart things that could be done and encouraged the government to be involved in making changes. He talked about summary trials and the right to appeal the verdict or the sentence, as I mentioned before, because if military members are not able to appeal either, then there is less justice. It is not just about it being seen to be done but actually being done.

Colonel Drapeau also stated:

There are growing worldwide concerns regarding the compatibility of the military justice system with international human rights standards. In Europe, the European Convention on Human Rights has had an impact on national military law, particularly in the United Kingdom, Germany, and France, to name a few.

What he is referring to—and I think Lamer was onto this as well—is that we have to put things into context, that there have been changes in international law and international conventions, so that the men and women who serve us have to have their rights acknowledged in that context. If we are signing onto conventions that allow for more accountability and more access to justice, then it should not be something that is just for a chosen few, as in this case, or a majority, and when we look at the military it is obviously not the majority. In fact, other countries have done this. That is important.

Government Orders

For example, with signing onto treaties, we have a bit of a problem with the way in which the government has implemented the cluster munitions treaty. We have concerns with the way the government's legislation has been written with respect to that treaty. There are the issues of interoperability with our allies. We want to make sure that, if we are signing onto an international treaty to ban the use of cluster munitions, we will not put our men and women into harm's way to be prosecuted by any laws from elsewhere. Certainly we want to make sure we are acknowledging and in line with our own commitments when it comes to that treaty.

All that is to say that we will support this bill. As the official opposition, we have done a good job in putting forward our ideas. Sadly, the government did not take them all. Some changes have been made, but there is more work to be done. However, we stand proud to renovate the laws that would serve our men and women who serve us so well, which I can say was the case with my father when he served our country. It is the least we can do for those who serve for us.

• (1620)

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, I want to congratulate the hon. member on his speech. He wandered a bit, but nevertheless, he got his point across.

I actually want to recognize the work of the NDP on this file. It has done yeoman's work. It has worked very hard, both in the House and in committee. It needs to be acknowledged; there is no question about it. The problem I have is that the NDP submitted 22 amendments and none passed. It is kind of hard now to claim credit for somehow making improvements to the bill when in fact none were passed.

Given that the NDP and Liberals have very legitimate concerns about the VCDS issue on police, constitutional fairness for accused persons, the grievance process, et cetera, I do not know how, in effect, the NDP can try to make a silk purse out of a sow's ear. This was the government stomping both opposition parties pretty hard and not doing nearly as much as it could. In fact, it is probably quite a climb down from Bill C-41, on which all parties came together, so to speak.

As I say, I am not opposed to the NDP's work, as it did a good job, but I do not think it now needs to be voting for the bill on the basis of some perceived credit.

• (1625)

Mr. Paul Dewar: Mr. Speaker, I think I was just accused of wandering in my speech. That was an interesting question. That was a nice little trip we went on.

I think he was trying to ask me why New Democrats put forward amendments. We put forward amendments because we were trying to strengthen the bill. I was simply pointing out the juxtaposition of what we did and the Liberal Party did not do, sadly.

I am not sure what the opposition to the bill is at this point from the Liberals. There was something about it not being constitutional. Right now what we have in front of us is within the purview of the Constitution. There are some good things in the bill, and we acknowledged that back in 2006 in the first iteration of it.

I suggest that Liberals take another look at what exactly they want to change and, next time, put forward their ideas. Who knows; some good things might happen. One never knows.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I would like to thank the hon. member for his speech. He is highly respected for his work on foreign affairs, and I am glad he is honouring his father. I honour my father as well for serving in the air force in World War II.

I find it very puzzling that the third party would criticize New Democrats for tabling a series of amendments to a bill and then, having achieved what we consider to be some substantial amendments, say spitefully that we should oppose a bill that would include that amendment. Despite the fact that a good number of witnesses called for a bigger review, which we also called for and supported, and despite the fact that there could be further improvements to the bill even though the government keeps putting forward one-off amendments instead of bringing forward omnibus changes that would provide a better justice system, I wonder if the member would like to speak further on that. It is a rather bizarre position that the third party is taking.

Mr. Paul Dewar: Mr. Speaker, let me put it this way. If members are going to do their jobs here, they need to do a couple of things. First, they need to do an analysis of what the legislation is, and second, if they do not like it, they need to provide solutions to improve things. That is what New Democrats did. Everyone can see that the government actually incorporated our ideas in its amendments. It is great. We have done that before and we will do that in the future, because we are here to get things done for everyday people, not play parlour tricks or suggest that we are here to simply raise issues and oppose things. We actually propose things and, in this case, we think we proposed some good ideas, such that the government incorporated those ideas in its own amendments. We will never apologize for that.

The Deputy Speaker: It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Charlesbourg—Haute-Saint-Charles, Employment Insurance; the hon. member for Cape Breton—Canso, Employment Insurance.

• (1630)

[*Translation*]

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Mr. Speaker, I have the distinct pleasure of rising for the second day in a row to discuss and debate Bill C-15 on the military justice system.

I would like to begin by saying that, philosophically, the founding tenet of liberalism is that we never accept the status quo if there is no good reason to do so. In other words, a Liberal will never say that something must be done a certain way just because it has always been done that way and for no other reason.

In some debates on the military justice system, people rely heavily on that line of reasoning. They say that it is a different system and that it has always been different. They say that military culture has been around for thousands of years, that that is how it works, and that it should continue to work that way. That is not good enough for a Liberal.

Government Orders

I would like to continue with what I was saying yesterday about how a soldier is a fully fledged citizen who has the same rights as any other citizen. Soldiers are simply citizens who have decided to dedicate themselves to their country, to wear the uniform with pride and to serve either in conflict zones overseas or here in Canada when they are called to help communities cope with natural disasters, for example.

The soldier's role and place in society has changed a lot. As I was saying yesterday, there was a time when soldiers were either slaves or mercenaries. Members of the society they served did not respect them. They may have had no choice but to do as they were told because they were slaves or mercenaries. That is no longer the case; society has changed.

Soldiers today stand up for their rights. We see that every day. The person sitting next to me is the Liberal critic for veterans affairs. He has risen several times in the House to ask the government why it is not treating veterans fairly on many fronts, including its efforts to claw back disability pensions.

Soldiers know that they have rights and they are ready to stand up for those rights. Modern soldiers expect society to grant them the same rights as any other citizen. This bill maintains a justice system apart from the one that we civilians enjoy as members of society.

I want to share a quote from a witness who testified in committee. The witness in question, retired colonel Michel Drapeau, has been quoted many times during debate today and yesterday. During his testimony, he said:

...someone accused before a summary trial has no right to appeal either the verdict or the sentence... [He does not have] the right to counsel, the presence of rules of evidence, and the right to appeal.

● (1635)

As we have heard many times, soldiers are made to stand for the entire trial. In addition, there is no transcript that could be used for appeal.

Colonel Drapeau went on to say:

In Canada, these rights do not exist in summary trials, not even for a decorated veteran, yet a Canadian charged with a summary conviction offence in civilian court, such as Senator Patrick Brazeau, enjoys all of these rights. So does someone appearing in a small claims court or in a traffic court.

In other words, I have more rights than a soldier who is accused of speeding. However, this person willingly chose to join the armed forces and to serve Canadian society.

There are big differences between the military justice system and the civilian justice system. I understand and accept that the military justice system is a separate system and must always be unique, but I am not sure that the differences should be so drastic. That makes me very uncomfortable with this bill.

It may be because the military justice system is not as open as the civilian justice system, but there is something else I want to point out. I heard that 98% of trials end in a guilty verdict. In other words, the accused is found guilty 98% of the time. That seems high to me.

This raises some questions about the nature of the military justice system and about whether we should make more significant changes than what is proposed in Bill C-15.

[English]

The government needs to recognize that society in general, but specifically in this case, the legal system, is a system of interrelated aspects, that is in a kind of delicate balance. What may have been acceptable a couple of years ago, before this bill, may no longer be acceptable because a certain important change has been brought to another aspect of the legal system making the current system less fair for military personnel accused of wrongdoing.

Of course, I am talking about the fact that the government has removed from the legal system the possibility of obtaining a pardon and erasing a record based on continued good behaviour after a mistake has been made. When that is taken away, all of a sudden the fact that the military justice system is less fair becomes a bigger problem.

Now, if someone is falsely accused and found guilty, based on a trial process that has not respected the principles of fairness and justice that exist, even for someone who gets a speeding ticket, then that the person is really stuck. The individual would have no recourse, and that would impede his or her ability to perhaps obtain gainful employment after leaving the military.

We recognize now that many former servicemen and service-women suffer from post-traumatic stress disorder. However, this is something that was not recognized a few years ago, and it was certainly not recognized after the Second World War.

● (1640)

We are talking about people coming out of the military who may have gotten into trouble because of post-traumatic stress disorder and now they cannot get a pardon. They are out of the military, trying to find a job and may be having trouble adapting to the demands of employment. Not only that, they are dragging this offence around, which they cannot have pardoned. Therefore, we have a whole new set of problems that flow out of this situation of unfairness.

We have to understand that society has changed. We have PTSD, which is something we did not understand a few years ago. Therefore, this creates a problem that is perhaps going to get worse because of not having properly thought through Bill C-15.

There is a delicate balance, but the government has upset that balance in the judicial system by making certain changes that it thought might have some value for it politically.

I would like to speak to the issue of the VCDS. I can never remember what that stands for. The vice-chair of disciplinary services, is that correct?

Hon. John McKay: Vice Chief of the Defence Staff.

Mr. Francis Scarpaleggia: Fortunately, I have the defence critic sitting next to me here. He is a fine defence critic and knows the bill inside out. He has been briefing members of our caucus with great skill and knowledge of the bill.

Government Orders

We have the Vice Chief of the Defence Staff who can intervene in any disciplinary process. I would like members, especially members of the NDP, to look at the parallel with the RCMP and the Commissioner of the RCMP. There is a complaints process within the RCMP in cases where an RCMP member has been found to have violated the code of conduct. However, the Commissioner of the RCMP does not have a right to get involved in that investigation.

The members opposite say it is very important that the Vice Chief of the Defence Staff has that right because he can bring the operational context to bear in the investigative process. However, the same could be said for the Commissioner of the RCMP. The argument could be made that he or she should have the right to intervene because he or she could bring some operational context into the process. There is a contradiction here. In the case of the RCMP, the Commissioner cannot intervene. In the case of the Vice Chief of the Defence Staff, he or she can intervene. I do not quite understand why the distinction.

Let me read a quote regarding the danger of this right to intervene, which I am told is a new right that did not exist in preceding years. This is from testimony before the defence committee by Mr. Peter Tinsley, the former chair of the Military Police Complaints Commission. He said:

My very brief summary submission is that if Bill C-15 is passed into law in its present form, inclusive of the new subsection 18.5(3) authorizing the VCDS to interfere with police operations and investigations, it will be inconsistent with the principles of police independence as recognized by the Supreme Court of Canada a [s] late as 1999 as underpinning the rule of law, as well as run counter to the norms of police-government relations, certainly in Canada, and I can tell you internationally in developed countries, which recognize the importance of police independence and prohibit police service boards or similar executive bodies from giving directions regarding specific police operations.

This is a very interesting quote. We like to compare ourselves to other countries, which is proper because we can learn from what is being done elsewhere, as other countries can learn from us.

● (1645)

I would mention that in other countries, they appear to have understood that the military justice system needs to change. We cannot just say that it has always been like that since time immemorial, and therefore it should remain like that. Maybe some people can say that, but that is not the Liberal perspective on things.

Justice Gilles Létourneau, in providing criticism of the summary trial system, which remains, as I said, largely unaddressed in Bill C-15, said the following:

This form of trial has been found to be unconstitutional in 1997 by the European Court of Human Rights because it did not meet the requirements of independence and impartiality set out in Article 6 of the European Convention on Human Rights. As a result of this decision and others, the British Parliament enacted legislation which now provides guarantees to an accused soldier. These provisions include the following:

(a) the accused may be represented by counsel; (b) the accused is entitled to an Appeal to the newly created Summary Appeal Court; (c) the Summary Appeal Court is presided by civilian judge, assisted by two military members who are officers or warrant officers; and (d) as a general rule, imprisonment or service detention cannot be imposed where the offender is not legally represented in that court or in a court martial.

In our system, not only does the accused have to stand through the whole process, and not only is there no transcription of the process, but the accused does not have the right to legal counsel. That sounds

pretty retrograde to me. That just does not sound like modern Canada to me.

All of that having been said, I will say that there has been one improvement to the system that would be brought by Bill C-15. That would be, of course, security of tenure for military judges so that they feel that they can exercise their independence. As a result of Bill C-15, military judges would have security of tenure until they reached the retirement age of 60 or until they were removed for cause on the recommendation of an inquiry committee or if they resigned.

This bill would also allow for the appointment of part-time military judges, which I suppose sounds like a fairly good idea if the caseload is not high enough to have full-time judges or if full-time judges need some supplementary help. Why not use part-time military judges? I do not see a problem with that.

All in all, we cannot support this bill. We have been consistent in our voting throughout the process. We have not voted against it at second reading only to flip and vote for it at third reading even after all our amendments have been rejected.

I think consistency is important in this place. I am proud to say that we will continue with our previous line of argument, and we will continue to not support this bill.

[*Translation*]

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Mr. Speaker, the Liberal Party stopped following the doctrines of liberalism quite some time ago. In fact, many Liberal supporters take issue with that.

Today the Liberal Party of Canada is first and foremost a centrist party that likes to use a divide-and-conquer strategy. It is also very narrow-minded. Liberalism is a doctrine of political philosophy that views liberty as its top priority. That is its very definition. I do not see the link between liberalism and denouncing the status quo. I do not understand why the member talked about that at the beginning of his speech. I do see a link, however, between the Liberal Party of Canada and the status quo, because that party's members hide behind the status quo whenever it suits them, especially when they want to divide and conquer.

I am not sure where the member was going with that. However, if we do not pass this legislation, we will be left with the status quo. Perhaps the bill does not propose the best improvement ever, but if we do not pass it, we will be left with what we already have.

● (1650)

Mr. Francis Scarpaleggia: Mr. Speaker, I will respond to the member's criticisms of liberalism, but if I am not mistaken, two weekends ago, the NDP tried to adopt the liberalism philosophy by abandoning socialist ideology as its guiding principle. As we can see, the NDP is shifting towards liberalism, and I congratulate the party on this wise move. The member mentioned that Liberals like to divide and conquer, but I would point out that we are not in power at the moment. We do not divide and conquer, and that is a fact.

Government Orders

The idea at the very heart of liberalism is that we must always strive to reform the system. We do recognize that there were some minor reforms in this bill. For instance, the independence of military judges is one improvement, since they will have better job security. However, the reform contained in this bill is not enough to warrant the support of the Liberal Party.

[English]

Mr. Ted Opitz (Etobicoke Centre, CPC): Mr. Speaker, there are so many good things in the bill for soldiers. It would allow sergeants to serve on courts martial. It would amend limitations on the period for summary trials. It would enhance the timeliness and fairness of the military police complaints process. So many aspects of the bill are fair for our soldiers.

The hon. member has embarrassed himself today. I have never seen someone arrive in the House more ill-prepared to give a speech, especially when he is supposed to be advocating for members of the Canadian Armed Forces. If that was what he was attempting to do, he failed in his attempt. He talked about veterans. He talked about PTSD in the wrong context. He did not understand what the term VCDS stands for. That is unconscionable.

What I will say for my friends in the NDP is that they showed up today prepared to debate the bill. Unfortunately, the Liberal Party has demonstrated that they are not prepared to argue. They are not prepared to step up for soldiers. They never were, in particular during the decade of darkness. I will not allow the member to stand up and embarrass himself further, because this will stand as a comment.

The Deputy Speaker: The Chair gets to determine whether the person gets to stand up or not.

The hon. member for Lac-Saint-Louis, if he wishes to respond.

Mr. Francis Scarpaleggia: Mr. Speaker, I am quite shocked by the incivility of that comment, quite frankly.

The government talks a good game about standing up for the military, yet when it comes to crunch time, it just will not give the military the rights it deserves. We saw what Conservatives did with the last ombudsman for veterans. I would remind the member that veterans are part of the military community and that they can be included in any discussion we have in the House about the military. We should not be ashamed to talk about veterans when we are talking about the Canadian Armed Forces.

We saw that the government had to be pushed to the wall to do something to replenish the Last Post Fund.

Mr. Dean Del Mastro: Mr. Speaker, I rise on a point of order.

By way of clarification, the member who asked the question is a veteran.

The Deputy Speaker: That was not a point of order.

Questions and comments, the hon. member for Winnipeg North.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I too am a member who served in the Canadian Armed Forces, in case the member wants to be aware of that fact.

It is interesting that the Conservatives and the New Democrats are working together. I do not know how the government hoodwinked

the New Democrats into supporting this. Many would suggest that this uneasy coalition is maybe getting a little easier. The member talked about the politics of division. He should reflect on what his leader said about western Canada and the Dutch disease and so forth. That is politics of division.

The Liberal leader provides strong leadership across Canada from coast to coast to coast and deals with issues that are affecting the middle class.

Does the member believe that the Conservatives would better serve members of the Canadian Armed Forces had they had a more open mind in making changes to the legislation that would have dealt with a number of issues the Liberal Party has raised? Would there be a higher sense of fairness to those individuals who are serving in the Canadian Armed Forces today? If only Conservatives had listened a little more to a good Liberal like—

• (1655)

The Deputy Speaker: The hon. member for Lac-Saint-Louis.

Mr. Francis Scarpaleggia: Mr. Speaker, it is obvious. If only the Conservatives listened a little more to the Liberals, yes, we would have better legislation in the House.

I also have an explanation as to why the NDP is getting closer to the government on this bill. When one is driving a car and wants to veer a little bit one way, sometimes one overshoots. We have a party that is moving from the left toward the centre but has overshoot a little bit too much. Now it finds itself in league with the Conservative government.

If the member's government really cared about veterans, why would it be closing down one of the best hospitals in Canada for veterans, Ste. Anne's Hospital in Sainte-Anne-de-Bellevue, in my riding? Why will it not stand up for veterans in the West Island of Montreal?

Mr. Mathieu Ravnat (Pontiac, NDP): Mr. Speaker, I am a little bit confused about what liberalism is at this point.

Half of what you guys stand for would not be in your party platform if you had—

The Deputy Speaker: Order, please. I draw the attention of the member for Pontiac that his comments are to be made to the Chair, not to other members of the House.

Mr. Mathieu Ravnat: Mr. Speaker, it is hard to resist. Thank you for that call to order.

One only needs to look at the Mackenzie years, the Pearson years and the Trudeau years to see how much liberalism has to account for. They were borrowing ideas from social democrats.

That having been said, what we did was present clear, well-thought-out amendments. These amendments had influence on the party in power and things were changed. That is because we get things done. I would like to ask my Liberal colleague to point to their contribution to this debate.

Mr. Francis Scarpaleggia: Mr. Speaker, let me tell the hon. member, through you, Chair, that the Liberal Party of Canada predates the NDP. If the member wants to know what the Liberal Party of Canada has contributed to Canada, I would advise him to read the wonderful biography of Sir Wilfrid Laurier.

Government Orders

[Translation]

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, I am very pleased to speak to Bill C-15 at third reading. The bill seeks to strengthen military justice.

As some members know, I serve on the Standing Committee on National Defence. For obvious reasons, I have been following the debate surrounding this bill closely. As some members also know, I am a former member of the military. In my opinion, the military justice system is a really important part of the Canadian Armed Forces, but it can be difficult to understand. Discipline is crucial and requires a unique justice system. The goal is to strengthen the Canadian Armed Forces' operational capability.

I would like to mention that it is important for our men and women in uniform that we take this seriously and carefully study legislation that will apply to them. They make incredible personal and social sacrifices for our country. It is essential that we try to provide them with the best military justice system possible.

Clearly, justice systems are complex. We are not talking about new paint colours; we are talking about a justice system, which is extremely complex. Sometimes, there is no perfect solution, and sometimes it is too complicated to find the one solution that will fit and make everything work.

When the bill was debated at second reading, one of the first things my colleague from St. John's East, the official opposition's defence critic, said was that an amendment passed when Bill C-41 was being studied had not been included in this bill.

A minority government was in power when Bill C-41 was being studied. It had no choice but to work with the other parties. A consensus was reached about Bill C-41, which, at the time, had support from all the parties. Unfortunately, the Conservatives prorogued Parliament. Bill C-41 was not voted on at third reading.

In his speech, my colleague from St. John's East emphasized, as I did, that the proposed amendment to Bill C-41 would have lengthened the list of offences eligible for summary trial under the National Defence Act. It would have increased the number of offences that would not result in a criminal record. The Minister of National Defence promised that the parliamentary secretary would bring that amendment back to the Standing Committee on National Defence during the study of the bill, and that is what he did. The amendment was passed.

Because of that amendment, Bill C-15 was improved at the committee stage.

Since we are talking about amendments, I will quickly point out that the Conservatives proposed only that amendment and one other to correct a date. That is all.

For its part, the NDP proposed 22 amendments and five subamendments that were rejected in committee. Still, we did our work, we studied the bill and we proposed amendments to improve it.

I believe that we demonstrated our support for our men and women in uniform. We showed that this bill was important to us, that it was important to study and improve it. Unfortunately, our

amendments were rejected, but at least the Conservatives' amendment was passed, which improved the bill. I do not think that amendment would have gone through without the persistence of my colleague from St. John's East and all NDP members.

● (1700)

Although this was a Conservative amendment in the beginning, it is important to understand that it was made because of the NDP's work.

Before I go into more detail about criminal records resulting from convictions at summary trials, I would like to briefly mention that the Liberal Party did not propose any amendments in committee. I think that this is an important bill and that we must at least try to improve it. Nevertheless, the Liberals did not put forward any amendments.

A quick look at the record shows that the Liberal Party did not have anything to say when this bill was examined clause by clause or during the votes. We also see that no Liberal members voted during the recorded votes.

In my opinion, this serious issue deserved careful examination. I think that it is unfortunate that all parties in the House did not show the same commitment to our men and women in uniform. That is what I wanted to say about what happened in committee.

I would like to deal more specifically with the issue of criminal records resulting from convictions at summary trials. Clause 75 was amended to expand the list of offences included in the National Defence Act that can be dealt with by summary trial and that will not result in a criminal record following a conviction.

Right now, 95% of summary trial convictions are exempt from a criminal record, which leaves only 5% of people who can end up with a criminal record even though they would not necessarily have one for a similar offence in civilian life. At least things are improving.

It is important to understand that the issue of summary trials and criminal records is extremely complex. On one hand, summary trials are known to be efficient and they make it possible to deal with cases quickly. On the other hand, we also know that the rules of law for these summary trials are not followed.

For example, we would not want soldiers to be exempt from receiving a criminal record for offences that would have resulted in a record in the civilian world. However, we also would not want soldiers to have criminal records for offences that would not have resulted in a record in the civilian world. We need to find a balance. The issue of military justice is therefore extremely complex.

What is more, the National Defence Act is somewhat problematic in the sense that certain offences are very broad in scope and can include both very serious crimes and offences that are more benign. That is part of the reason why I wanted to make subamendments in this regard when we examined this bill in committee.

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In the case of a demotion, the individual could still end up with a criminal record. It only makes sense that someone who commits a serious offence should be demoted. It would not be possible for a new recruit, who cannot be demoted, but it would be possible for all of the other ranks. If the offence is serious enough, the person should logically be demoted and the soldier would therefore have a criminal record.

I would like to talk about some sections that are very broad, such as section 113, which deals with fires. The problem is that section 113 of the National Defence Act covers a wide range of offences related to fires, whether those fires are caused wilfully or otherwise.

Here is an example of an accidental fire. A recruit could be tired when he is on training in the countryside, and he may not necessarily have any camping experience, any experience being in the forest or any life experience to rely on in this situation.

• (1705)

I mention this because it is something I have experience with. He could mistakenly put kerosene instead of naphtha in the stove. This could cause a fire. This person is not doing so wilfully or for the purpose of hurting the Canadian Forces. He is simply tired and is not following directions, yet it is all the same offence. If someone wilfully burned down a building, he would be charged with the same thing, and section 113 on causing fires would apply. These two people would have criminal records when they leave the Canadian Forces. However, everyone at home understands that these two situations are drastically different.

That is why this issue is so complicated. We understand that someone who wilfully causes a fire in civilian life would have a criminal record. Logically, we do not want this person to be exempt from having a criminal record. However, we would also want this person to have a trial that observes the rules of law. We cannot give someone a criminal record if the rules of law are not observed. The issue was examined from this perspective.

Also, someone who accidentally made a blunder would have a criminal record too. I assume the fines would not be the same for the two offences and that the punishment would fit the crime. We need to understand that the same section can in fact mean two different things.

Another section was rather odd. It had to do with setting a prisoner free without authority or helping a prisoner escape. That may seem odd, but in clause 75, under the Conservative amendment, escaping from prison does not warrant a criminal record. However, if you help someone escape, you can have a criminal record. I think it is a little unclear. It makes no sense that the person who escapes has no criminal record.

An unauthorized release or helping someone escape can also include involuntary actions. If someone who is very tired does not properly lock a door, the action was not voluntary. The person had no intention of letting the prisoner escape, but they made an error. Of course people should be punished for the error, but should they have a criminal record? Twenty years later, if they have a job interview, a potential employer will see the criminal record and may or may not ask why. That is the problem. At least, if the employer asks why the candidate has a criminal record, the person will be able to explain

what happened and how the military justice system works. Perhaps that might not be such a problem, but the potential employer will not necessarily ask the person to explain why they have a criminal record in their file. The details of the story are not recorded. That is why I felt these subamendments were important.

I want to say once again that there has been an improvement because 95% of the cases are covered. This is a very complex issue. It is very difficult to come up with a perfect solution. We must focus on the fact that there has been change for the better, and that the provisions have been expanded considerably, which means that the NDP will support this bill.

Naturally, there will be more work to do as we continue to improve the military justice system. All parliamentarians want to improve it, or at least I hope they do. Improving the military justice system is of great importance for our men and women in uniform. I am hopeful that we will continue to try to make improvements, to find the flaws and to make good laws to correct them. This is a complex issue, and it is important that we address it for the sake of our military personnel.

• (1710)

I spent a great deal of time talking about criminal records. I would now like to briefly speak again about potential interference from the Vice Chief of the Defence Staff into military investigations.

I would just like to say that interference can be defined in different ways. It is important to understand that we must make a distinction. For example, someone from command could tell investigators that, for operational reasons, it is not the right time for an investigation. In that case, there is no interference in the investigation. They are simply saying that it is not safe to be investigating at that time, and that the investigation could be carried out at another time. That is not the same as really interfering in a case. It is important to make that distinction because there has been a lot of hearsay and misunderstanding about this subject. It is important to make that clear.

I have worked very hard on this bill in committee, and I am very interested in hearing my colleague's questions and comments. I will be happy to respond.

• (1715)

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I appreciate the fact that the member has served in the Canadian Forces. It is a wonderful thing to have done.

I have one question for her. If she reflects back on the importance of having fairness in our judicial system, including military justice, she would likely be aware that there are summary trials. Summary trials in the Canadian Forces do not provide the same rights as are provided in the civil system. For example, there is no right to counsel, no right to an appeal, and transcripts are not even provided.

My question for the member is this: would she agree with Liberals that during summary trials, members of the Canadian Forces should be able to have counsel, the ability to appeal and access to transcripts? Does she see those things as important in trying to narrow the gap between civilian and military justice?

Government Orders

[*Translation*]

Ms. Christine Moore: Mr. Speaker, the context must be taken into account.

If we are talking about a summary trial in which a guilty verdict could lead to a criminal record, it is important to respect the rule of law and give people the right to appeal. However, if we are talking about the summary trial process that was expanded considerably and will not lead to a criminal record, that is altogether different.

Indeed, these summary trials were designed specifically so that people can be tried quickly, so that military forces can go on to the next thing and quickly return to operational status. Since there is no potential impact on the soldier's life when he leaves the military and the impact is limited to the military aspect, that is understandable.

For instance, if someone works as a nurse and does something wrong, their employer could put a note on their record. There is no transcription of what happened and there are no lawyers involved. The note would simply stay on the employee's civilian work record, so to speak.

The nuances of these rules of law need to be established based on potential consequences. This is particularly problematic when the defendant could end up with a criminal record, does not have access to a lawyer and has no right to appeal and when there is no transcription.

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, I have no military experience, but since my colleague has a lot of experience, I would like to ask her a question.

I see that, in summary trials, the judge is the accused person's commanding officer. Could that not lead to a conflict of interest? Has she seen that type of situation before?

Ms. Christine Moore: Mr. Speaker, in some cases, that can in fact result in conflict of interest.

Reserve regiments routinely have three or four members from the same family. For instance, in Sherbrooke, a sister and her two brothers were all in the same regiment.

At some point, one of them could be a commanding officer and might have to sit in judgment. Usually, in a situation that is so clearly a conflict of interest, the commanding officer must transfer his authority to his deputy commander.

There may well be conflicts of interest, but it is up to the commanding officer to show maturity, to recognize the conflict, and to delegate authority to the deputy commander, as he is in a position to do so.

Of course, if a criminal record is on the line, it is particularly problematic. If there is no possibility of a criminal record and since the commanding officer can delegate authority to the deputy commander, it is possible to handle the situation within the military system in a way that our military can find satisfactory.

• (1720)

[*English*]

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I would like to thank the hon. member for her well-informed speech on the bill.

However, the third party kept raising a question to a number of her colleagues about provisions of the Criminal Code. Of course, I am sure she is quite aware that the bill would introduce a new provision, proposed section 249.27. The thing that is remarkable about this new provision, which the NDP proposed, is that it would have a retroactive effect in that there would be benefits for those who had been previously convicted, as some offences would no longer be a criminal offences.

I wonder if the member could speak to the fact that some of the recommended changes go as far back as the recommendations made in 2003 by Chief Justice Antonio Lamer, yet previous Liberal governments did not see fit to bring forward any of those recommendations and act on them.

Is it not important that by supporting these amendments today, we are trying to finally force the expediting of amendments so that we can move forward with additional ones sooner?

[*Translation*]

Ms. Christine Moore: Mr. Speaker, I was not an MP in 2003, but I know enough about politics to remember that the Liberal government still had a majority.

I find it hard to understand why the Liberals did not try to improve the military justice system. Some recommendations were made a long time ago. I find it hard to understand why they chose not to propose changes at that time. I also find it difficult to understand why the Liberal Party did not propose a single amendment while the bill was being studied in committee and why, during certain votes, no Liberal Party members voted. I have a hard time understanding all of that.

To me, military justice is an essential issue. They should have at least tried to take some sort of action, but they did not. The Liberals have not introduced a bill either, but it likely would not have had time to get through all the stages in the House before this Parliament is dissolved.

They did not make an effort in 2004 or in 2006. It is beyond comprehension.

I was not here at that time. I find it hard to understand, but the fact that Canada was actively involved in Afghanistan makes me think that it would have been a good time to pose this important question.

Mr. Chris Alexander (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, I would like to thank the member for Abitibi—Témiscamingue, who has worked so hard on this bill. However, I have a simple question.

Now that there have been 120 speeches in the House, dozens of speeches in committee, eight days of debate in committee and 12 days in the House and two important stages of debate in the House and now that our Canadian Armed Forces have waited 10 years, is it not time to sit and vote to ensure that this bill moves on to the other place and becomes law?

Private Members' Business

Ms. Christine Moore: Mr. Speaker, I am sure that if the Minister of National Defence had introduced Bill C-15 with the amendments from Bill C-41, we could have perhaps avoided a few hours of debate. However, I do think it is important for this bill to pass. That is why we have decided to support it. We will see what happens, but I think that we should be prepared to vote quickly so it can pass.

I hope that the Parliamentary Secretary to the Minister of National Defence understands there are still some flaws and I hope that he will continue to work on the issue of military justice along with the Minister of National Defence, so they can introduce other bills in order to enhance and improve the military justice system.

[English]

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the yeas have it.

And five or more members having risen:

The Deputy Speaker: Call in the members.

• (1725)

Hon. Gordon O'Connor: Mr. Speaker, I ask that you move the vote to tomorrow following government orders.

The Deputy Speaker: Accordingly, the division on the motion stands deferred until tomorrow, following government orders.

Do we have agreement that we see the clock at 5:30?

Seeing no opposition, it being 5:30, the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[English]

CRIMINAL CODE

Mr. Parm Gill (Brampton—Springdale, CPC) moved that Bill C-394, an act to amend the Criminal Code and the National Defence Act (criminal organization recruitment), be read the third time and passed.

He said: Mr. Speaker, I am thrilled to have this opportunity at third reading to share with the House the important measures

introduced in Bill C-394, an act to amend the Criminal Code and the National Defence Act (criminal organization recruitment).

The focal point of my bill, Bill C-394, is to protect Canadians, especially, our youth, by making the act of criminal organization recruitment, in other words, gang recruitment, a criminal offence under Canadian law.

All of us can agree that our youth are our future. This is a statement that holds no partisan or political undertone. Each one of us in this House, and every Canadian, would agree that today's youth will one day define the course of this country, and that course will be determined by the types of opportunities our youth are provided.

Young Canadians today have a sense of vulnerability about them. There are challenges that all youth face. My three young children constantly remind me of how important it is as a parent to provide for their safety and to protect them from any real or potential danger.

Every single parent in the world wants the best for his or her children. All parents want to provide their children with every opportunity to succeed. To do this, we must strive to create a safe environment in which our children are free to grow and explore their potential. Unfortunately, not every young person gets to experience the life that he or she deserves. Sometimes the pressures to fit in or to join a certain group are just too overwhelming, leaving youth helpless to those who might exploit their desire to belong.

In a 2008 publication, the RCMP found that street gangs in Canada are increasingly aggressive with their recruitment tactics. In a disturbing trend, these criminal organizations are targeting our youth under the age of 12 and as young as eight.

These ruthless gangs pursue our youth for several reasons. They know that those falling within this range cannot be formally charged with a criminal offence. They also know that our youth can be easily pressured to participate in a variety of criminal activities. Innocent Canadians are being manipulated and, at times, forced to embark on a life that no Canadian should ever experience. Gangs exploit our children by forcing them to participate in criminal activities, such as drug dealing, robbery, theft and prostitution.

When I had the opportunity to speak with current and ex-gang members who led recruitment initiatives in Regina, Saskatchewan, they told me of a world that knew no boundaries. For instance, gang members will use drug addiction to manipulate potential recruits to take part in criminal activities that support these gangs. This means that children who should have been playing soccer in a schoolyard are carrying weapons, drugs and money for gangs. In the eyes of the gangs, these youth are dispensable and easily controlled. It is worrisome and heartbreaking that Canada's most wanted criminal organizations actively recruit our youth and teenagers.

How can we, as a nation, sit by and watch while this happens?

I remember vividly what the director of the Regina Anti-Gang Services told me, as we sat side by side in a small room among hardened gang members seeking to exit that lifestyle. She told me that once recruited, these innocent children and teenagers were lost to the streets of the city forever. Promising young lives would vanish into the criminal culture forever.

Private Members' Business

What makes this lifestyle so deadly is that leaving a gang is next to impossible. As I mentioned earlier, I had the chance to speak with several former and current gang members. I sat beside a young man, a mere 19 years old, who had been a gang member for more than seven years. When I looked at him, I saw a kid.

However, as we got deeper into a discussion about his past, there was nothing in his life that resembled that of a youth.

● (1730)

He was recruited into a gang at a very young age. Instead of school, friends, family and sports, he was robbing drug dealers, attacking rival gang members and selling drugs on the street. This was a kid who excelled in a criminal organization because that was the only life he knew. I cannot help but picture his work ethic, allowing him to lead an extraordinarily successful law-abiding life. Now he is battling a drug addiction and because he is seeking to exit the gang, he constantly looks over his shoulder fearing for his life. He told me that no matter what he did, he was never really out of the gang. People that he recruited into the gang have experienced the same pain as him. He looked me in the eyes and asked "By recruiting others into the gang, how many lives did I ruin? How many families did I hurt? How many people have experienced pain at my hands?"

As a member of Parliament, I know there is more we can do.

In 2006, CSIS estimated the number of street gang members under the age of 30 was approximately 11,000. The report cautioned that this number would continue to grow rapidly over the coming years.

In the region of Peel, which my family and I call home, the number of gangs has exploded in the past few years. In 2003, there were just 39. Today there are well over 110 street gangs within our neighbourhoods. This means more people live in fear, more young people are targeted and more violence is used.

Gang members in Canada have a blatant disregard for the safety and well-being of those around them. For instance, in some communities families are afraid to leave their homes or let their children out to play. Gangs also pose a significant risk for law enforcement officers.

The increase in gang recruitment has far-reaching and systemic effects on our country as a whole. Our safety, security and well-being are placed in jeopardy.

The purpose of Bill C-394 is two-fold.

First and foremost, we are seeking to further protect our youth and our communities by criminalizing the act of gang recruitment. Far too many communities in Canada are facing a gang problem. It is vitally important that we maintain the security and safety of our neighbourhoods, our streets and our families. By tackling gang recruitment, we can help reduce the number of innocent and vulnerable citizens who would otherwise be lost in this dead-end lifestyle forever. This is about protecting our children, our neighbourhoods and our future. Criminal organizations use fear, intimidation and violence to advance their objectives and grow within our communities. This behaviour cannot be tolerated any longer.

Second, Bill C-394 is designed to provide law enforcement officers with additional tools to address gang recruitment.

I had the opportunity to meet with numerous stakeholders across our great nation in order to discuss this issue. The valuable insights I gained were used in the development of this legislation. We spoke with numerous stakeholders and law enforcement agencies across the country, which praised the bill's direction, scope, focus and resourcefulness.

This legislation was recently studied by the Standing Committee on Justice and Human Rights. During its study, the committee heard witness testimony from a Winnipeg police officer who had spent over six and a half years working in his department's anti-gang unit. In his statement to the committee, this officer testified that gang recruitment was targeting younger and younger Canadian youth. He explained that in his city of Winnipeg, 10-year-olds were being actively recruited into gangs.

● (1735)

Fifteen-year-olds are on charge for murder who were driven to kill by older gang members who knew they would face much lesser penalties. He went on to testify that:

—tackling recruitment and making it illegal is very important, because often when these people are recruited at a young age, they don't understand the life they're getting into. They see it as having rock-star status in the media. Popular culture makes it look like it's something to do. It's not until they're in it and they've been in it for two, three, or four years at age 15 that they realize the road they're going down. There aren't riches, there isn't fame and fortune, and they cannot leave the gang.

Further to this witness testimony, the committee also heard from the minister of justice for Manitoba, the Hon. Andrew Swan. Also supportive of the bill, the minister stated:

This bill would provide guaranteed consequences, which...are needed in order to take on those who would recruit young people into gangs. It also increases the range of penalties that could be imposed by a court if somebody were found guilty of this provision.

We have a front-line police officer and a justice official who both support the bill and believe it would benefit police and justice officials in helping to stop the recruitment of young individuals into gangs.

Youth gang membership has grown, and will continue to grow, in our country if we sit back and do nothing. Bill C-394 would allow our justice system to appropriately hold those who recruited individuals into criminal organizations accountable for their devastating actions. By doing so, we would be able to help take these dangerous criminals off our streets.

This not only maintains the safety and security of our communities, but it offers the opportunity to severely inhibit a criminal organization's growth.

When I spoke with the president and CEO of the Boys and Girls Club of Winnipeg, he told me a story that exemplified the need for this proposed legislation.

Private Members' Business

At one of its inner city club chapters, gang members will wait under the parking garage directly behind the building. Their sole purpose for being there is to engage those leaving the Boys and Girls Club in hopes of recruiting them into their gang, a targeted strategy that is not a coincidence. This example highlights the reality that our youth in the community currently face.

Education and prevention programs are important, but they are only a part of our response to this going problem. We need to provide our front-line police officers and justice officials with the ability to respond through legal action.

Imagine for a moment if these children, youth and teenagers were empowered to report those trying to recruit them into gangs. Imagine if our community members knew that something could be done about gang recruiters who operated in their neighbourhood. It would empower communities to take action and fight back.

In conclusion, we have an opportunity, not just as members of Parliament but as Canadians, to come together and make a difference, which will protect our youth and our neighbourhoods.

I urge each and every one of my colleagues in the House to view the bill for what it is: an important new tool in our criminal justice system that would benefit families, communities and future generations.

It is time we take back our streets from criminal organizations that are increasingly tightening their grip on our freedoms, safety and security. It is time we take a stand so every child, teenager and adult can experience the life they deserve to live.

● (1740)

[Translation]

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Mr. Speaker, I thank my colleague from Brampton—Springdale.

At the very moment when his government claims to be effectively combating crime—gang recruitment, in this case— how does he explain the termination of the police officers recruitment fund in 2013, which will lead to a dramatic drop in the number of frontline police officers in our municipalities?

[English]

Mr. Parm Gill: Mr. Speaker, our government has a strong record. It has actually invested more money in protecting Canadians and in our justice system than any previous government in history.

This is a very important issue. Our government has introduced a number of initiatives to protect Canadians and to make our streets safer. Bill C-394 is another tool in the toolbox to help our justice officials and our front-line police officers protect Canadians, especially our youth, the young generation, who are the future of our country.

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, the biggest single problem the Liberal Party has with the bill is the introduction of yet another mandatory minimum sentence. The introduction of mandatory minimum sentences through private members' bills, of course, avoids the necessity of having a review done by Department of Justice officials with respect to their constitutionality.

We know that mandatory minimums have been struck down as unconstitutional in this country. My question for the member is the same one I posed to him at committee: What measures has he taken to ensure that the bill will be constitutional, in view of the decisions that have already been made with respect to the constitutionality of mandatory minimum sentences?

Mr. Parm Gill: Mr. Speaker, I understand that the member is also a member of the Standing Committee on Justice and Human Rights. The committee even heard from the Minister of Justice from Manitoba, the hon. Andrew Swan, who is clearly very supportive of the bill.

It is very unfortunate when it comes to the Liberals and the Liberal Party. Whenever they have an opportunity to stand up for victims and to protect Canadian citizens, they always take the side of criminals. They never have voted, as far as I can recall, for the protection of victims and their rights. It is very unfortunate to see this once again.

● (1745)

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, I want to commend the member on putting forward his private member's bill. This is something I know he is very passionate about. He has done a significant amount of consultation across the country.

One thing I would like to ask him is how this would specifically impact young Canadians across the country. How would this impact youth, not just in his local area but across the country? What kind of meaningful change would this have for young people?

Mr. Parm Gill: Mr. Speaker, when I was putting together the bill, I had an opportunity to travel right across the country and discuss it with a number of different stakeholders and communities, including youth. I came across far too many incidents like the one I shared in my remarks about gang members in Winnipeg targeting younger and younger people with some of their tactics. This is very heart-breaking, the destroying of our future, because especially at a young age, as young as eight years of age, these young people have no idea what they are getting into. They are being enticed. Their lives are being ruined. These criminal gangs are terrorizing our communities and our streets. Bill C-394 would help protect us.

[Translation]

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Mr. Speaker, I rise today as Bill C-394, presented by my colleague the member for Brampton—Springdale, reaches third reading.

Bill C-394 amends the Criminal Code to create a new offence in relation to organized crime, namely recruiting a person to join a criminal organization. The NDP supports this bill as part of a response to the problem of gang recruitment, particularly of young people.

Upon reading the text, we find that the bill was amended by the Standing Committee on Justice and Human Rights. One amendment adds the concept of coercion to the new offence. The others are designed to ensure consistency between the English and French versions, and in the terminology used in the Criminal Code. The bill was examined for three hours by the Standing Committee on Justice and Human Rights.

Private Members' Business

As a member of the committee, I had an opportunity to hear valuable and thought-provoking testimony, and to question witnesses. I also had an opportunity to take part in interesting exchanges with my colleagues on the committee. The phenomenon of recruitment, mainly of young people, by gangs presents a real problem, which calls for a balanced public safety approach, that is an approach combining prevention and enforcement.

In the NDP, we believe that this bill contains part of the answer to the problem, but in committee we pointed out that the creation of a new offence amending the Criminal Code with the addition of section 467.111 is the outcome of a private member's bill, not a government bill. The government should make changes to its policy to deal with street gangs. Let me pursue this point further.

The street gang phenomenon is so important in our country that the government should adopt a strategy to deal with these criminal organizations. The government should find effective solutions for the problem of recruitment by criminal organizations.

Representatives of the Boys and Girls Clubs of Canada came to testify before the committee. This Canada-wide organization provides guidance and assistance to young Canadians who are marginalized or in difficulty, work that is essential to social cohesion in our country.

I would like to quote Marlene Deboisbriand, vice-president of that organization, regarding the importance of these clubs in Canada:

Boys and Girls Clubs of Canada is a leading provider of quality programs that support the healthy development of children and youth. Our association of over 100 clubs reaches over 200,000 children, youth, and their families across the country. We are in 500 community locations from coast to coast to coast.

These representatives emphasized the need for funding for prevention programs:

We are not opposed to Bill C-394. Our concerns are mostly related to the need for enhanced prevention efforts...and rehabilitative programs for youth who want to rebuild their lives outside gangs.

The testimony given by Rachel Gouin of Boys and Girls Clubs of Canada was very compelling. She addressed three important points.

First of all, is it very important that public authorities take a comprehensive approach to the complex phenomenon of the recruitment of young people into gangs. Targeted punitive measures like this one, combined with adequate police action to catch people who are recruiting, would be best. However, these measures must be accompanied by programs and social services geared towards housing assistance, mental health support and employment assistance.

Secondly, recruiters are sometimes children or teenagers themselves. As Ms. Gouin said in her testimony, the scope of this bill does not apply to them. Children and youth have their own criminal justice system, under the Youth Criminal Justice Act.

• (1750)

The third point, which is related to the first, is the importance of continuity of funding for prevention programs that target both those likely to do the recruiting and those likely to be recruited.

The Youth Justice Services Funding Program helps the provinces establish rehabilitation services for these people. It is regrettable that budget cuts have affected this program.

The presentation by Manitoba's Attorney General was also very important. The NDP paid close attention to what he said. Our only amendment to the bill, presented in committee, came out of this evidence. The Attorney General said:

...we believe Bill C-394 could be improved by being applied to anyone recruiting in places where youth are expected to gather, the very places I think all of us want to keep safe, such as schools and schoolyards, community centres, friendship centres, and parks—places where we want it to be safe for young people to go.

The NDP presented an amendment concerning sentencing. It would ensure that the court take into consideration elements of proof establishing the recruitment of someone under 18 into a gang, near a school or community centre, for example, as aggravating factors. Our excellent amendment was hotly debated and the Conservatives unfortunately decided to reject it.

The NDP has always been proactive when it comes to public safety. On the one hand, we want more money for crime prevention programs. On the other, we want police forces to have the resources needed to adequately protect communities across Canada. It is therefore important to continue to collaborate with the provinces, the territories and first nations.

In closing, this bill is a solution to the problem of recruitment by gangs, but it is not the only one.

We support this bill. However, we are asking the government to do more. An approach that strikes a balance between repression and prevention must always prevail when it comes to public safety.

[English]

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, I am pleased to rise in the debate on Bill C-394 and the issue of gang recruitment. I had the privilege of sitting in on the Standing Committee on Justice and Human Rights while it considered this legislation, and I will expand on some of the issues discussed in those meetings.

I speak, I believe, for all members of the Liberal Party when I say that I want to deter youths from joining gangs. Indeed, if this legislation served any preventive end, we would gladly endorse it. However, not only does Bill C-394 fail to address the fundamental reasons that youths join gangs—the root causes, if I dare say that—but it also would employ a mandatory minimum penalty, which the Liberal Party opposes in principle.

Private Members' Business

I raise the root causes of youth gang involvement as an issue, because the government acknowledges the problems but it fails to provide solutions either in Bill C-394 or elsewhere. For example, the website of the Department of Public Safety lists risk factors relative to youth gang involvement and includes the following as major risks: limited attachment to the community, over-reliance on anti-social peers, poor parental supervision, alcohol and drug abuse, poor educational or employment potential and a need for recognition and belonging, yet Bill C-394 does not address any of these. In fact, the government is missing in action on things like youth unemployment and access to education, things it could take proactive measures to correct.

With regard to violence among aboriginals, public safety's website explains:

The increase in gang violence and crime in some Aboriginal communities has been attributed in part to an increasing youth population, inadequate housing, drug and alcohol abuse, a high unemployment rate, lack of education, poverty, poor parenting skills, the loss of culture, language and identity and a sense of exclusion.

As Idle No More and similar movements demonstrate, the government is out of touch with the needs of aboriginal communities. If it took those needs seriously, we could begin the process of reconciliation. We could address the social problems plaguing first nations. We could give aboriginal youth access to education and opportunity. Instead, by ignoring these problems, we further the cycle of despair that makes gang life attractive to youth.

It is interesting to have this discussion in light of the Conservatives' attack ad on the member for Papineau. They criticize him for being a camp counsellor, a rafting instructor and a drama teacher. If we want kids to feel included in their communities, to have a sense of belonging and purpose, we ought to have more camp counsellors, more rafting instructors, more teachers seeking to make a difference in the life of a child, not attacking these sorts of things as useless pursuits unbecoming of a leader. However, the government buries its head in the sand and refuses to acknowledge that preventing crime involves addressing tough issues beyond the Criminal Code.

I can assure the House that youths are not joining gangs because they believe their activities are lawful, nor do gangs recruit because they believe it is legal to do so. This is the problem with the Conservative approach to crime. Everything is a matter for the criminal law, and every incident provides a pretext to legislate.

As was said by the member for Toronto Centre, "when the only tool we have in our toolbox is a sledgehammer, everything starts to look like a rock". For Conservatives, criminal law is all about punishment. By adding new offences and penalties and, in some cases, duplicating existing offences and penalties, the Conservatives attempt to regulate on the back end, after the crimes have been committed. This ignores the fact that there are other elements to criminal justice such as prevention, rehabilitation of the offender and reintegration into society, let alone addressing the underlying causes of crime.

As I mentioned, I may be accused of perhaps committing sociology on this. Let there be no mistake. Bill C-394 deals with gang recruitment only on the back end once it has occurred. I submit that by then, it is way too late.

● (1755)

As I have indicated, this issue is already addressed by the Criminal Code. Former justice minister Anne McLellan said in this place, upon the introduction of what is currently in the Criminal Code that we are seeking to amend today, the following:

We know that successful recruitment enhances the threat posed to society by criminal organizations. It allows them to grow and to more effectively achieve their harmful criminal objectives. Those who act as recruiters for criminal organizations contribute to these ends both when they recruit for specific crimes and when they recruit simply to expand the organization's human capital.

In other words, we knew when introducing what was already in the code that recruitment was an issue, is an issue, and we put in place offence language that captured it. Thus, while the regime in the code at present may not use the word "recruitment", the intention is clear in the record and there is no evidence whatsoever to suggest that prosecutions for recruitment are not happening because of some legislative loophole.

Indeed, as it is proposed, the bill will actually add to the problem by putting in a mandatory minimum penalty. International studies corroborate what even Justice Canada has found, that mandatory minimums do not deter crime. Among other things, mandatory minimums remove prosecutorial and judicial discretion. They lead to prison overcrowding. They lead to more crimes in prison and more crimes outside of prison. They contribute to a clogging of the courts, resulting in accused persons being set free. They are, as I indicated in my question to the member earlier, constitutionally suspect. Mandatory minimums have prejudicial consequences, particularly on aboriginal peoples and minority communities.

I know colleagues in the NDP have argued that the mandatory minimum in this bill is light and, therefore, acceptable, in their view. We take a different approach, which is that there is no need for adding something that could lead, in the right fact situation, to this legislation being overturned. This just is not smart legislating.

Private Members' Business

However, if I were to address the Conservatives' inability to legislate intelligently, I would certainly run out of time. In fact, we might be here all night. Instead, I will focus on one shortcoming relevant here, which is the failure to vet bills for constitutionality. Much has been made of that in the House and, in particular, by my colleague, the member for Mount Royal, of the obligation of the Minister of Justice, under the Department of Justice Act, to review government legislation for compliance with the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights.

The minister, time and time again, has said that his bills are constitutional, yet time and time again the provisions are struck down and the government is called to account for its failure to comply with the supreme law of the land. Not only does legislating in such a reckless way risk the statute being struck, it also clogs up the courts with challenges that could have been avoided. It also costs the taxpayers, who bear the burden of defending the government. For a government that claims accountability, why is it not accountable to the charter and its statutory obligations? For a government that prides itself on fiscal restraint, why is it wasting taxpayer money?

One may wonder why I am raising this issue when the obligation for a charter check is only on government bills, not on private members' bills like Bill C-394. The answer is that the government has been increasingly using private members' bills to legislate through the back door. If this bill was so important, why was it not included in the omnibus crime bill, Bill C-10? Why has the minister not introduced it on his own accord? Surely, if it were so necessary, the minister could have made this change to a government bill and it would have passed through the House much faster. Indeed, by using the private member bill route, the government minimizes House debate and circumvents the required charter review.

We must address the cycle of poverty and homelessness that affects too many children in the country. Where is the government on that? We must say to ourselves that if children are to be the priority, maybe we need more camp counsellors, rafting instructors and drama teachers. What they do not need is a government that says it cares, throws a Band-Aid on the problem that will not hold and then pats itself on the back for having done anything at all. Bill C-394 would be just that, and that is why the Liberal Party will vote no on this bill.

• (1805)

Mr. Robert Goguen (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I am pleased to speak today in support of Bill C-394, criminal organization recruitment, which aims to address the important issue of gang recruitment. Combatting organized crime has been a long-standing commitment of this government, and I would like to thank the hon. member for Brampton—Springdale for introducing Bill C-394, a bill that would very much continue to build on these efforts.

The Standing Committee on Justice and Human Rights has reported this bill back to the House with a minor amendment, specifically relating to consistency between the English and French versions of the Criminal Code, and one additional amendment. Before I go on to address these amendments in more detail, allow me to say that this bill makes a strong statement against the serious problem of organized crime groups in this country.

Bill C-394 aims to ensure that the Criminal Code explicitly prohibits recruiting another person into a criminal organization. It does so by proposing a new indictable offence: actively recruiting, soliciting, encouraging or inviting another person to join a criminal organization for the purpose of enhancing the ability of that criminal organization to facilitate or commit indictable offences. The person doing the recruiting would not need to be a member of the criminal organization to which the individual is being recruited. This offence would be punishable by a maximum of five years imprisonment, with a mandatory minimum penalty of imprisonment for six months if the individual recruited is under the age of 18.

The committee heard from many witnesses on this issue, and many of them emphasized just how important Bill C-394 would be in the effort to prevent youth from joining criminal organizations in the first place. Organized crime groups often target young people to conduct many of their activities, in part because they know that if a young person is caught, he or she will be treated more leniently by the justice system. For example, we heard testimony about criminal organizations that use 11-year-old children to run drugs. Criminal organizations also target young people who are vulnerable and do not have positive influences in their lives. These young people are often seduced by the promise of a lifestyle of power and money. However, we know that this most often does not turn out to be true and that, in fact, gang life is a dangerous life to choose.

When the Attorney General of Manitoba, Andrew Swan, testified before the committee, he emphasized this:

Gang life closes out family, friends, school, and community. Many young people who get brought into gangs, who are coerced to join gangs, find that there is no financial benefit. There's a cutting off of all the things that the youth have been involved with, and there is no easy way out.

Being involved in a gang increases the risk of violence to an individual and even the risk of death.

The vulnerability of youth in these situations was the primary motivation behind the proposed imposition of a mandatory minimum penalty if the individual recruited is under the age of 18. Attorney General Swan elegantly described this element of the proposed offence as a guaranteed consequence. This element would send a strong message to gangs that Canada's young people are a priority and that we will protect them.

I will be the first to admit that Bill C-394 represents only one of many available responses to a problem that has been recognized by many to require a multi-faceted approach. It is a Criminal Code approach. I do not wish to suggest for one second that this bill alone would prevent all recruitment into a criminal gang. Do I think it is an important response? Yes, I do. Do I think it is a meaningful response? Of course it is. I also recognize that combatting organized crime requires a broad response.

Private Members' Business

Prevention efforts must also be put in place to provide meaningful alternatives and positive role models so that people who may be thinking about joining a gang have an opportunity to choose otherwise. The government has made significant investments over the past number of years to support programs and youth gang prevention activities. The proposed offence of recruitment by criminal organizations would provide yet another tool for police as they continue to address the growing problem of criminal gangs.

The effort to recruit people into a criminal organization is more than just a problem for the people being recruited. It also represents a significant problem from the perspective of public safety. When people are successfully recruited into a criminal organization to facilitate the organization's ability to commit crime, it enhances the threat posed by these groups in general.

As I mentioned earlier, Bill C-394 has been reported to the House with a few minor technical amendments, which I support. I am also very pleased to report that there was unanimous support for this bill by all our colleagues at committee.

● (1810)

I would like to now briefly comment on an amendment made by the committee.

Bill C-394 was amended to include coercion in the list of prohibitive behaviour. That particular amendment would have the effect of prohibiting the recruitment, solicitation, encouragement, invitation and coercion of someone to join a criminal organization.

Coercion is a term that is generally used in criminal law to refer to conduct that is for the purpose of compelling someone to do or to refrain from doing something. Its inclusion in the bill's proposed new offences therefore makes sense. It is another way in which people can be, and are being, brought into criminal organizations, which in turn increases the capacity of criminal organizations to commit crime.

Bill C-394 is an important piece of legislation, and I want to thank the committee for its work on this bill.

In closing, I would like to again thank the hon. member for Brampton—Springdale for introducing this extremely important bill. The protection of youth is a priority for this government and it should be a priority for all members of this House.

Furthermore, the threat of organized crime continues to be a major concern for Canadians. The thought that youth are being brought in and recruited by such organizations is a very real and troubling issue. It is for this reason that I hope all members will stand in this House and support Bill C-394.

Mr. Parm Gill (Brampton—Springdale, CPC): Mr. Speaker, I would like to thank all of my hon. colleagues for taking the time to participate in the debate on this important piece of legislation. Bill C-394 is legislation that Canada needs in order to make our streets and communities safer for everyone to enjoy.

This is not about politics or partisanship. It is my belief and hope that when it comes to protecting our youth and our most vulnerable citizens, we are all on the same side. Our youth are our future and it is our responsibility to provide an environment in which they can reach their greatest potential.

The realities of a gang lifestyle are heartbreaking. Such things as death, guns, drugs, violence, substance abuse, criminal activity and prostitution are all too common in this environment. This is a place that no person should ever find themselves, yet far too many still do. It is our responsibility not only as elected representatives but as citizens of this country to work together in an effort to make our future safe for all.

This proposed legislation is an important tool that our criminal justice system needs in order to address this growing concern. The act of gang recruitment affects those directly involved. It is a danger to families, communities and the safety that every Canadian holds dear. Young Canadians, regardless of where they grow up, should be able to grow and explore their potential in a safe environment.

It is an unfortunate and disheartening reality that youth today are targeted by active and violent gangs. The means by which these gangs recruit our youth are both inhumane and life-altering. This reality necessitates the quick passage of Bill C-394 because one person recruited into a gang is one person too many. It is time to take action so that families do not have to live in fear and communities across this country can enjoy the safety and security that we all deserve.

As this bill is at third reading and will soon be voted on, I would like to take a moment to thank everyone who has been involved in the development and progression of this bill.

I would like to sincerely thank my very hard-working staff, both in Brampton and in Ottawa, for their support; my colleagues for supporting this bill from the beginning; and community stakeholders across this great nation who met with me, including front-line police officers and justice officials who supported this bill from the beginning and even took the time to testify before the justice committee.

I would like to thank my constituents, the wonderful citizens of Brampton—Springdale, for the honour of allowing me to represent them here in this House and for providing me with incredible feedback and support toward this bill.

Finally, I would like to thank the countless number of youth I had the opportunity to meet and who inspired me to create this piece of legislation so that their future and the future of coming generations could be protected.

● (1815)

[*Translation*]

The Deputy Speaker: The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

Adjournment Proceedings

The Deputy Speaker: In my opinion the yeas have it.

And five or more members having risen:

[*English*]

The Deputy Speaker: Pursuant to Standing Order 98, the recorded division stands deferred until Wednesday, May 13, immediately before the time provided for private members' business.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

EMPLOYMENT INSURANCE

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, I would like to use my speaking time today to come back to an important question that I asked the Minister of Human Resources and Skills Development early last February.

Canadians learned last winter about the existence of quotas and that Service Canada investigators have to make monthly savings. Now we have learned a little bit more about the implementation of the changes to the Employment Insurance Act. What is happening now is that the rules have become so complicated and there are so many restrictions that they are mind-boggling. The worst thing about all this is that the new regulations that have to be followed are not clearly explained to workers who have lost their jobs. They are kept totally in the dark, apart from the publication of the regulations in the Canada Gazette on a Friday evening just before the House adjourns, as has become the Conservatives' habit.

Basically, the regulations are hard for Canadians to understand and apply. The restrictions are such that only four out of 10 people in Canada are entitled to their employment insurance. The others are not entitled to it.

Does the minister think these figures are normal?

I am absolutely sure that Canadians would like to have more details about these notions of suitable employment and reasonable job search that have been changed. How many CVs do workers have to send out every day to avoid having their benefits cut? How will the 100-kilometre rule be applied? Can the minister tell workers what the real story is?

Rather than listening to the main people concerned with employment insurance, such as workers, employers and experts, the Conservatives prefer to stick with an ideology that flies in the face of Canadian values.

Our country is huge and is made up of resource regions with seasonal economies. The work available depends on this kind of economy, which predominates in the regions. The diversity of our economy benefits all Canadians, and our social safety net, which we contribute to as employees or as employers, should be available for Canadians when they lose their jobs.

A few days ago, on April 28, 2013, I took part in a huge demonstration in Montreal, and I heard horror stories about families stricken by poverty, forced relocations and employers who are losing their skilled workforce.

These demonstrations are happening right under our noses and under the minister's nose, and they are spreading right across the country. The Atlantic provinces are now speaking out against the changes. Even New Brunswick, where a Conservative government is in power, is calling for moratorium while impact studies are carried out, studies which of course were never conducted when the changes were being made.

The question is simple. Workers want changes to the reform package now. What can the minister offer them?

• (1820)

[*English*]

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, I must say that the hon. member's question is based on flawed assumptions.

[*Translation*]

What we are actually doing is helping employment insurance claimants get back to work. We are not penalizing them.

[*English*]

We are ensuring that EI is there for people who paid into the system, who are without work and who need it. Our government is connecting Canadians with available jobs. No matter where a claimant lives, whether it be in a small community or an urban setting, they now have improved access to information on available jobs in their communities. The enhanced job alert system, which is now available to all Canadians, sends daily notifications of new job postings.

The updated definition of suitable employment is based on commuting time, working conditions, type of work, wages, hours of work and a claimant's personal situation. While claimants are required to expand the scope of their job search, nothing prevents them from continuing to seek work in their preferred occupation at their preferred wage.

[*Translation*]

We empathize with Canadians who have lost their jobs and who are making a real effort to find work in their area, but who have not succeeded. These Canadians can rest assured that they will continue to receive employment insurance.

Mrs. Anne-Marie Day: Mr. Speaker, the basic premise is not flawed; rather, the government is not telling us the whole truth and nothing but the truth. I would like to provide a brief summary of this fiasco.

Adjournment Proceedings

Access to employment insurance was already at an all-time low. The reform is making it even harder for Canadians to get benefits. There were rules in place based on regional realities. Instead, now the rules are stricter for everyone. There were regulations in place that allowed workers to find jobs based on their skills. Now workers have to accept any job even if the salary is lower, never mind skills and lost productivity. There was a decentralized appeal system that worked and that took into account regional realities. Now, the appeal system is becoming increasingly slow, and it is infested with Conservative candidates who were defeated at the polls and who were appointed to these positions. We all know who benefited from Conservative political patronage and got jobs that pay over \$100,000.

All Canadian workers are asking for are jobs that allow them to make a living, use their skills and contribute to the Canadian economy.

Ms. Kellie Leitch: Mr. Speaker, my colleague is well aware of the real purpose of employment insurance.

Employment insurance provides temporary help to those who lose their job through no fault of their own.

[*English*]

This initiative is clarifying, not changing, the responsibilities of Canadians who are collecting EI. Our government is making common sense changes to help better connect unemployed Canadians with the available jobs in their regions that match their skills. For those who are unable to find employment, employment insurance will continue to be there for them as it always has been.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, I rise today to pick up on the same topic of employment insurance cuts, or the changes to the program.

This is fairly timely in light of the fact that, over the last couple of days, the four Atlantic premiers have come together to voice their concerns about the changes that have been made and to approach the Conservative government to try to impart on it the impact that these changes are going to have throughout their provinces. When we look at it, two of the four premiers are Conservative premiers.

I know David Alward, in New Brunswick, was pretty apprehensive at first. He did not want to do anything to make waves with the boss, but he is getting it loud and clear from the people of New Brunswick now just how these changes are going to impact them.

It speaks to a broader question here. It speaks to the attitude that has been taken by the government, particularly about the people of Atlantic Canada. The infamous words of the Prime Minister say that the people of Atlantic Canada have this culture of defeat.

We are very much aware of the letter that was written by Senator Stephen Greene. It borders on repugnant, the malice that he holds for the people of Atlantic Canada. He talks about this culture of dependency. Maybe if he got out of his office and went to these communities and saw the honesty, the sincerity and the hard work of these people in these rural communities, which really contribute to the regional GDP of the area, he would understand that these regions contribute considerably to the well-being of the country. Over half of the regional GDP is generated through seasonal industries.

When I hear the Minister of Fisheries and Oceans refer to the fishery as an EI fishery, and when I know that the government was headed toward the cancellation of owner-operator and fleet separation policies, it just underlines the approach the government has taken to people not only in Atlantic Canada and Quebec but in rural communities across the country. The changes that are being made to EI are only going to hurt the people in those rural communities even more.

I would ask the government to reconsider and pay attention to the premiers of Quebec and Atlantic Canada now and put a moratorium on these changes.

● (1825)

[*Translation*]

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, the common sense changes we made to employment insurance allow us to provide Canadians with better information about the job market and to help them find jobs more quickly.

[*English*]

There are skills and labour shortages in many parts of Canada, including rural areas, as well as areas of high unemployment.

I am going to actually answer the question that the member had presented at the House, which I was asked to respond to initially, as opposed to what he presented today. I think it will also answer some of his questions from today.

Our efforts are meant to help those who are out of work find jobs in their local areas that match their skills. The connecting Canadians with available jobs initiative helps unemployed Canadians get back into the workforce as quickly as possible, no matter whether a claimant lives in a big city or a small community. They now have better access to local, regional and national labour market information. In addition, enhanced job alerts provide up-to-date information to individuals across the country each day.

Finding work is more difficult in some communities than in others. We recognize that, and our government understands that. That is why local labour market conditions are taken into account when considering a claimant's job search efforts.

[*Translation*]

As long as individuals make a reasonable effort to find another job, they will not be denied employment insurance benefits.

[*English*]

The need for claimants to look for work while collecting benefits is actually not new, though. If there are no jobs in that area, EI will continue to be there for individuals, as it always has been.

To ensure that Canadians have the skills they need to fill these new jobs, budget 2013 has announced the Canada jobs grant.

Adjournment Proceedings

Mr. Rodger Cuzner: Mr. Speaker, I noted today that Warden Steve Sampson from the Municipality of the County of Richmond was in attendance in the House today. We had an opportunity to speak about the impacts of these changes on his community.

I was in Guysborough over the weekend and spoke with Warden Lloyd Hines. This community has an unemployment rate around 17% right now and is facing considerable challenges.

People see these changes as the government throwing gasoline on the fire. They believe these changes will accelerate out-migration and accelerate hardship. Many of these people who have worked in seasonal industries for generations are going to find themselves on the welfare rolls. Their families will face a great deal of hardship.

If the government had thought these changes through, it would understand the far-reaching impacts they will have.

I would ask again that my colleague heed the call from the Atlantic premiers and from the Premier of Quebec, Pauline Marois, and put a moratorium on these changes.

• (1830)

Ms. Kellie Leitch: Mr. Speaker, our government has made common sense changes to better connect unemployed Canadians

with opportunities for jobs. We have put forward in the budget opportunities for individuals to gain the skills they need to be able to enter into employment through either the Canada jobs grant or apprenticeship initiatives.

As I have mentioned many times in the House before, employment insurance will continue to be there for those who require it and who have paid into the system, as it always has been. Personal circumstances will always be taken into consideration.

I encourage the member opposite to make sure, as I have in my local community, that members of his local community know that the rules of EI are that, if people have paid into the system, they qualify for it and it will continue to be there for them as it always has been.

[*Translation*]

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 2 p.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:31 p.m.)

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